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BC | LAW

BOSTON COLLEGE
LAW SCHOOL MAGAZINE

Fall | Winter 2013

A BC Law Love Story

The Inspiring Professor Hillinger

Annual Report on Giving

www.bc.edu/bclawmagazine



GETTING OUT OF GUANTÁNAMO

Habeas Attorney Michael Mone Jr.'s Struggle to End a Detainee's Decade-Long Captivity

Seeking Law Day Nominations

We welcome your nominations for future Law Day awards. Please take a moment to think about a former student, friend, colleague, or member of the community who deserves consideration. The awards are:

◆ **ST. THOMAS MORE AWARD** Recognizes a member of the legal community who represents the ideals of St. Thomas More. (Not limited to BC Law alumni.)

◆ **WILLIAM J. KENEALY, SJ, ALUMNUS / ALUMNA OF THE YEAR AWARD** Recognizes a graduate who has given of him or herself to benefit the Law School community.

◆ **HON. DAVID S. NELSON PUBLIC INTEREST LAW AWARD** Recognizes a graduate who has made a noteworthy contribution to the public sector or in public interest law.

◆ **DANIEL G. HOLLAND LIFETIME ACHIEVEMENT AWARD** Recognizes a graduate who has made significant contributions to the Law School and/or the community.

◆ **RECENT GRADUATE AWARD** Recognizes the outstanding achievements of an individual who has graduated in the past five to ten years.

◆ **SPECIAL SERVICE AWARD** Recognizes a faculty member (often at the time of retirement or movement to emeritus status) for extraordinary service to the Law School.

◆ **REGIONAL CHAPTER AWARD** Recognizes alumni who have made significant contributions to the development of their regional BC Law Alumni Chapters.

To make a nomination, please state the award(s) for which he/she is being nominated, include a short biography and description of why the nominee fits the specific award criteria, and submit to Director of Alumni Relations Christine A. Kelly '97 at 617-552-4703 or christine.kelly.3@bc.edu.

**SAVE
THE DATE**

**Law Day
May 1, 2014**

**Boston Harbor
Hotel**

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ABOVE: Professor Ingrid Hillinger is one of twenty-six outstanding educators featured in *What the Best Law Teachers Do*. Page 20.

The Law School's New Self

Innovations stir excitement as vision becomes reality

It is interesting to watch a dean's vision turn into initiatives that are now dramatically changing the course of BC Law. Inspired by a passion for innovation, the Law School has been busy this past year; the virtual is becoming real and everywhere you look exciting programs and bold initiatives are taking shape.

Recognizing that experiential learning is a key element in the future of legal education, Dean Vincent Rougeau a year ago appointed Paul Tremblay as Faculty Director of Experiential Learning and now has announced the creation of the Center for Experiential Learning (page 38). It's an inspired move that will bring all of the Law School's clinics and external hands-on learning programs under one roof. Opening in the fall of 2014, the center will function as both a law firm within the Law School and a resource-rich environment where clinical faculty and students can work side-by-side and move seamlessly from classrooms to clinics. The center will be housed initially in the Smith Wing on the Newton campus.

The Law School is also moving swiftly to expand its global footprint. Last July Professor Frank Garcia was appointed Associate Dean for Global Initiatives and charged with reshaping the international curriculum and programming. Two major steps have resulted and more are in the offing. One is the hiring of an associate director of graduate legal education to supervise international visiting scholars and LLM and exchange students (page 30). Two is the establishment of the Global Practice Program, which has already initiated a relationship with the Sorbonne to offer BC Law students the opportunity to earn a JD/LLM there (page 31). Talks are under way for possible collaborations in Australia and Latin America.

Of course, no amount of law school programming will enable students to achieve their potential without a first-class faculty to guide them. In the 2013 book, *What the Best Law Teachers Do*, whose authors scoured American law schools to find twenty-six exemplars of the finest in legal pedagogy, contracts professor Ingrid Hillinger was among those selected. How does a teacher earn her students' devotion even as she terrifies them? The story on page 20 explains what makes Hillinger a giant in the classroom. In related news, three academic powerhouses will be joining BC Law in named professorships in the coming months. Learn who they are on page 37.

And now—just in time for Valentine's Day—we speak of a different kind of passion: the personal love story. Nearly 750 people have been hit by Cupid's arrow while at the Law School. Among them are Thomas and Joanne Caruso Zaccaro, who share the tale of their not-exactly-love-at-first-sight courtship and their very happy ending (page 26).

—Vicki Sanders
Editor



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Rules and Procedures as Instruments of Destruction

If America continues to pull apart its democratic structures, we will be undone

I spent a good portion of last fall's US government shutdown at a conference in London, where I found myself in the rather uncomfortable position of attempting to explain the inexplicable to British friends and colleagues. I think it is fair to say that most Americans, regardless of their political affiliation or views, are deeply uncomfortable with a political system that seems increasingly incapable of governing effectively, and in which a minority of the Congress think nothing of manufacturing a crisis because they are unwilling to accept the results of the democratic process.

Those of us who study and respect the law recognize that fair process is vital to the stability of a democracy, but when key actors in our democratic institutions begin to believe that their ends justify any means, rules and procedures can easily become tools of destruction. In his book, *The Unwinding: An Inner History of the New America*, George Packer offers deeper insights on these developments as he chronicles the collapse of key structures of American life over the last forty years. Organizations that nurtured community and instructed us on the relationship between shared sacrifice and the promotion of the common good—unions, political parties, social clubs, religious congregations—have seen their memberships dwindle. In the nation's heartland, vibrant cities, with Detroit being the most dramatic example, have become shadows of their former selves.

Since the 1960s, Americans have abandoned, either willingly or through necessity, many core aspects of a culture rooted in shared institutions and communal responsibility. In its place we have created a society of unparalleled personal freedom, but one that contains few checks on ambition and self-aggrandizement. We expect less and less from those in positions of power, and increasingly, our expectations are being met. We shrug our shoulders at a dysfunctional Congress. We are numb to ostentatious displays of wealth and personal privilege. We feel helpless in the face of shocking incidents of violence.

While I was in London, I had the chance to meet with a group of men and women who spent years

cleaning the offices of the world's largest banks for wages that left them impoverished despite full-time employment. With the help of religious institutions and community organizations, they were able to organize themselves and secure higher hourly pay. Although resistant at first, the banks soon realized



When key actors in our democratic institutions begin to believe that their ends justify any means, rules and procedures can easily become tools of destruction.

that an investment in the improved circumstances of local workers paid a range of dividends. A byproduct of the workers' action has been a community partnership among many of the banks and some of London's poorest communities, a relationship that helped to produce new job opportunities and impressive economic revitalization as part of London's hosting of the 2012 Summer Olympics.

Vibrant economies, thriving cities, and healthy democracies require citizens who recognize their responsibilities to one another. All of us need to ask ourselves whether we are truly impotent before structures of power that fail us. Are "they" the problem, or are we?

—Dean Vincent Rougeau

Dean Rougeau included elements of this article in welcoming remarks at the Massachusetts Foundation for the Humanities in November.

[IN BRIEF]

CAMPUS NEWS & EVENTS OF NOTE

An Unfiltered Look at War

A POET'S SENSIBILITIES, A SOLDIER'S RESOLVE
REVEALED IN McLAUGHLIN'S DIARIES



BOTTOM LEFT, McLaughlin, Knight, and Maass discuss their exhibition, which was on view in the Law Library.

CLOCKWISE FROM TOP RIGHT: CHRISTOPHER SOLDI, MTS, BC; SUZI CAMARATA (2); CATHLIN CUNNINGHAM

Last fall, the Boston College Law Library presented *Invasion: Diaries and Memories of War in Iraq*, an exhibit that featured the remarkable war diaries of Marine Lt. Timothy McLaughlin '09, texts by Peter Maass, and photographs by Gary Knight. In conjunction, the three contributors participated in a panel discussion

moderated by Professor David Olson in November that drew a crowd of more than 150 people.

Attendees were also invited to view the multimedia exhibit, which broke new ground in documentary storytelling, presenting three different experiences of the invasion of Iraq from within the same unit.

Knight and Maass report-

ed on the battles fought by McLaughlin's battalion as it approached Baghdad. Knight's photographs were featured in *Newsweek*, while Maass's stories were published in *The New York Times Magazine* and the *New Yorker*. (Maass also wrote a profile of McLaughlin in Spring/Summer 2013 issue of *BC Law Magazine* for which Knight

took the photographs.)

The exhibit displayed an innovative grid of thirty-six pages from McLaughlin's diaries, each page blown up to poster-size, along with Knight's haunting images and Maass's stories. McLaughlin's grid, which included pictures, maps, and poems, operated as a text about war and also an artwork about war. McLaugh-

lin was at the Pentagon on 9/11, commanded a tip-of-the-spear tank during the invasion of Iraq, and his American flag was draped on a statue of Saddam Hussein at Firdos Square when Marines entered Baghdad. In the pages, McLaughlin writes of stumbling through the smoke-filled Pentagon after it was attacked, of the Iraqis shot and killed by his tank's guns in 2003, and of the chaos when his flag was placed on the statue in front of a global television audience.

The men's purpose in creating the exhibit, they said, was to bring people back to the invasion and show them, directly and without the usual filters of the government or the press, what the invasion truly consisted of. After ten years, they felt it was time for a thoughtful examination of the war before it was forgotten or romanticized.

"Tim is an extraordinary young leader and has a vision for translating the war experience to the general public," said Steven Wright '81, executive partner at Holland & Knight, which sponsored the exhibit and discussion.

"It's a gift to those of us who haven't experienced war that he is able to articulate what it's like to transition between the reality of war, where you have to make decisions on a daily basis about whether lives must be taken, and the reality of our civil society, where you have to live with those decisions," Wright said. "With his background, Tim is uniquely suited to make that transition, but he is also committed to helping other veterans who are not."

To see a related video, go to <http://www.youtube.com/bclawschool>.

Practicing Bad Medicine

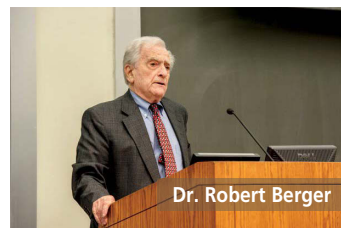
DOCTOR CONTINUES CRUSADE TO DEBUNK EFFICACY OF NAZI EXPERIMENTS

Dr. Robert Berger, whose research debunked the legitimacy of many Nazi medical experiments, delivered the fourteenth annual Owen M. Kupferschmid Holocaust/ Human Rights Project (HHRP) lecture at the Law School in November. In his talk, he condemned not only the physicians who conducted the experiments but also the German medical profession, which covered up its part in the atrocities for decades.

Himself a Holocaust survivor and a director of clinical research at Beth Israel Deaconess Medical Center, Berger was one of the first to analyze the validity of Nazi medical experiments and expose the data as scientifically worthless. "There was a huge debate in the medical community about the use of tainted data," said Berger, "but as a heart surgeon who routinely used hypothermia for heart operations, it struck me as strange that information derived with the primitive technology of the 1940's could be of any use in the 1990's."

When Nazi doctors were unable to secure volunteers for dangerous experiments investigating hypothermia, Berger said, they were supplied with three hundred prisoners from concentration camps. Seeking to simulate experiences of members of the German Air Force who had been shot down in the North Sea, doctors submerged the prisoners in ice cold water over the course of four hundred experiments at the Dachau concentration camp, rewarming some by boiling them alive.

Berger said his research of existing documents proved that the data was useless and the experiments were nothing more than acts of murder and torture masquerading under the guise of



Dr. Robert Berger

medical research. His findings, which were published in the *New England Journal of Medicine* in 1990, showed that the data were falsified and contradictory, experimental protocols were flawed, and the principal investigator lacked credibility, research training, and medical experience.

Berger believes his research both discredited the Dachau experiments and revealed the complicity of the medical profession in the Nazi agenda.

During the war, doctors assisted Nazi policies by performing forced sterilization of "inferior" groups, euthanizing the mentally ill, selecting the victims for the gas chamber at death camps, and issuing phony death certificates to cover it up, Berger said.

"After the war, the Nazi medical leadership retained their positions, the conduct of the medical profession during the war was covered up, and the entire profession became the business of silence," he said.

The "business of silence" came to a close in May of 2012, Berger said, when the German Medical Association issued an apology, noting that many Nazi doctors were "guilty, contrary to their mission to heal, of scores of human rights violations and we ask the forgiveness of their victims, living and deceased, and of their descendants."

To view a video of Berger's lecture, go to <http://www.youtube.com/bclawschool>.

—Anthony Signoracci '14

INTELLIGENCER

Oil and Water

Building on its reputation for work in the aftermath of the Exxon Valdez and Deepwater Horizon's oil spills, BC Law sent four students to the Northwest Tribal Rights Conference in Anchorage, Alaska, in November. Elizabeth Fegreus '15, Scott Coleman '15, and Anna Fishman '14 spoke on the use, efficacy, and human health hazards of oil dispersants in ecosystems. Michael Tierney '15 offered insights on how Alaskan tribes could better partner with federal agencies to protect resources.

Prize Writer

Writing about his life with cerebral palsy, John Wendel '14 was among eight winners in a law school scholarship essay contest sponsored by Chicago personal injury firm Salvi, Schostok & Pritchard PC. "The underlying truth of my experience is that the psychological effects of our problems are often more important than the problems themselves," Wendel wrote. "The wisdom and distance of years have shown me how minor and relatively insignificant my case has been, but it has nevertheless had a profound impact on my sense of identity." Read the essay at www.salvilaw.com/news-and-events/#axzz2mSKJJA5X.

Go Team BC

The BC Law Moot Court team of Jessica Frattaroli '14, Brett Jackson '14, and Dave Vitale '14 advanced to the national round of the sixty-fourth National Moot Court Competition, to be held February 10-13 in New York. The team was also awarded Best Brief in the region.

To Russia with Love

Caitlin Cahow '14, an Olympic silver and bronze medalist in women's ice hockey, is a member of the Presidential Delegation attending the Closing Ceremony of the Winter Games in Sochi, Russian Federation, on February 23. To see her interview on the "Today Show," go to www.today.com/video/today/53872058.



Another Post-Deportation Victory

CRIME LAB CHEMIST'S TAMPERING LEADS TO DEPORTEE'S RETURN

Raves

The Spring/Summer 2013 issue is truly outstanding. All of the articles are compelling.

*Christopher Dillon '88
San Mateo, CA*

The Tim McLaughlin piece by Peter Maass ["His Horse Was Named Death and Hell Followed Them"] is superb! Bravo.

*Alex Beam
Newton, MA*

The magazine was great. Such terrific articles.

*Kathleen Devlin Joyce '02
West Roxbury, MA*

Content wise, this was the best issue I have ever read.

*Roger Bougie '62
West Hartford, CT*

This issue of *BC Law Magazine* is terrific. Thanks for an awesome job ongoingly.

*Denis Cohen '76
Philadelphia, PA*

BC Law Magazine would like to hear from you. Send your letters to *BC Law Magazine*, 885 Centre Street, Newton, MA 02459-1163 or email sandervi@bc.edu. Please include an address and daytime phone number.

JUSTIFIABLY PROUD

BC Law continues to be recognized for excellence in a number of ranking categories. Given the difficult economy, these two numbers are especially welcome.

3 *National Jurist* pinned a third-place ribbon on BC Law for being among the "best value private law schools."

7 Where *US News & World Report* ranked a BC Law education among its "10 law degrees with the biggest return on investment."

The BC Post-Deportation Human Rights Project (PDHRP), together with the Criminal Justice Institute (CJI) at Harvard Law School, has successfully returned a young man to the United States and to his family after two-and-a-half years in exile.

Victor Veloz-Risik, a US lawful permanent resident since 2006, was deported in early 2011 due to a conviction for a drug offense. Although this was his first and only conviction, the deportation laws are particularly harsh when it comes to drug convictions. Most such deportees face the prospect of lifetime banishment.

The Somerville District Court vacated Veloz-Risik's conviction in June 2013, agreeing with CJI attorney-supervisor Robert Proctor and Harvard law student Jon McCoy that Veloz-Risik had been deprived of due process. His conviction had been based on a drug certification signed by crime lab chemist Annie Dookhan. Dookhan pled guilty to twenty-seven charges of falsifying results at a state crime lab in Massachusetts since 2003. This revelation called into question the reliability of evidence used in at least 34,000 criminal prosecutions, including Veloz-Risik's criminal case.

Noncitizens who are still on US territory may have their cases reopened by an immigration judge if the conviction that formed the basis for their deportation has been vacated. For those, like Veloz-

Risik, who have already been removed from the country, the process is much more difficult, often impossible. A federal regulation purports to bar individuals who have been deported from asking immigration judges to reopen their deportation cases, even if the interpretation of the law has changed or the conviction is vacated.

BC's PDHRP, together with other organizations and law firms, has challenged this regulation and other impediments to such reconsideration. Nearly all federal circuit courts have now invalidated aspects of the regulation, but major hurdles remain for

the idea that the rule of law does not end at the border, even for deportees," PDHRP founder and director Daniel Kanstroom said. "We hope that it will serve as a precedent and model for many other deportees who have been wrongfully deported."

ALSO ON THE DOCKET

In September, the BC Law Immigration Clinic won asylum for a young Honduran man. He had fled Honduras after his father brutally abused him because of his homosexuality, once even throwing a gas lamp at him and burning his leg. The man was in deten-

"This is an important victory
for justice, fairness, and
the idea that the rule of law
does not end at the border,
even for deportees."

—Professor Daniel Kanstroom

those seeking post-deportation justice. PDHRP lawyer Jessica Chicco persuaded the Department of Homeland Security to join the motion to reopen the case. An El Paso immigration judge then dismissed the charges. As a result, Veloz-Risik has returned to the US to resume his status as a lawful permanent resident.

"This is an important victory for justice, fairness, and

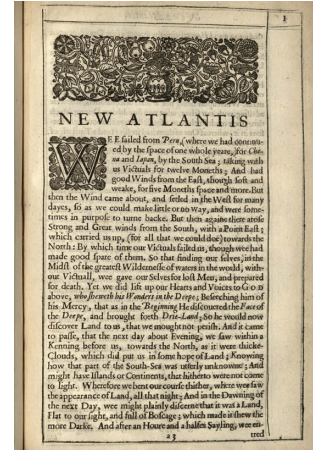
tion in Massachusetts when he came to the attention of Sarah Sherman-Stokes '11 of the Political Asylum/Immigration Representation Project (PAIR), who referred the case to the clinic. For the next two years, student attorneys Gabriella Agranat-Getz '13, Anna Deal '13, Peter Rees '14, and Andrea Swenson '14 worked under the supervision of clinical faculty to win him asylum.

The Visionary Bacon, in His Own Words

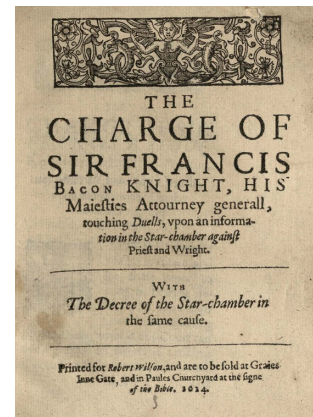
RARE BOOKS REVEAL DEPTH AND RANGE OF A BRILLIANT MIND



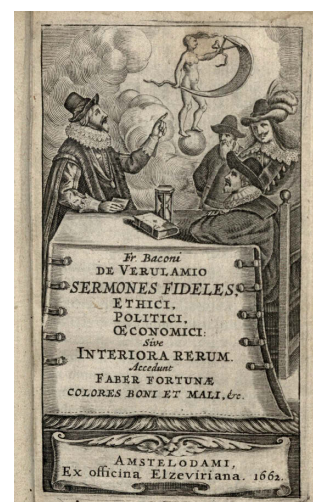
“Francis Bacon: Of Law, Science, and Philosophy,” an exhibition of works by and about Sir Francis Bacon from the gift of Daniel R. Coquillette, was on view this past fall in the Law Library’s Daniel R. Coquillette Rare Book Room and remains online at <http://www.bc.edu/content/bc/schools/law/library/about/rarebook/exhibitions/bacon.html>. Here are a few gems from the show.



Francis Lo. Verulam Viscount St Alban, Sylva Sylvarum: or, a Naturall Historie. In Ten Centuries. London, 1639. Bacon’s infamous, prophetic “The New Atlantis” is appended at the end of *Sylva Sylvarum*. In it, Bacon envisions a world of great research universities, airplanes, submarines, genetic modification, and also predicts the potential for a darker, terroristic side of science.



The Charge of Sir Francis Bacon Knight, His Majesties Attorney Generall, Touching Duels...London, 1614. One of Bacon’s first tasks as attorney general was to abolish dueling. He proposed that offenders be prosecuted in the Star Chamber, arguing, “men of birth and quality will leave the practice when it begins to be vilified, and come so low as to barber-surgeons and butchers, and such base mechanical persons.”



Fr. Baconi de Verulamio, Sermones Fideles, Ethici, Politici, Economici. Amsterdam, 1662. Bacon pontificates on atheism, judicature, friendship, gardens, love, superstition, etc., and offers his observations and advice. Among the famous examples, quotations, and aphorisms, is this: “If the hill will not come to Mahomet, Mahomet will go to the hill.”



NAVAJO NATION CHIEF JUSTICE DISCUSSES CULTURE'S IMPACT ON LAW

The Honorable Herb Yazzie, chief justice of the Navajo Nation Supreme Court, joined members of the BC Law community for a discussion in November entitled "Navajo Nation: How Culture Shapes the Law." The conversation touched upon the differences between the Navajo and Federal court systems as well as on contemporary Navajo issues such as the recent US Supreme Court decision *In re: Veronica*. Yazzie also explained the workings of the two methods of arbitration in the Navajo Nation, the traditional peacemaking system and the judicial system. His visit was co-sponsored by several student organizations.

CLASS OF 2016: BY THE NUMBERS

Numbers say a lot about the character and composition of each entering class. They describe accomplishments, smarts, interests—even trends in names.

230

Class Size

3.61

Median GPA

164

Median LSAT

23%

Students of Color

24

Average Age

50/50

Women/Men

7 + 7

Lauras and Johns

33

States and Territories
Represented

20

Born in Other
Countries

101

Colleges and
Universities
Represented

17

Students with
Advanced Degrees

2

Merit Scholars

7

Graduated Phi
Beta Kappa

1

Lincoln-Douglas
Debate Champion

1

Four-time National
Latin Exam Gold
Medalist

1

Bronze Star Recipient

1

Quadruplet

1

Tenor Soloist

Erik Stier '14

Dispatch: Middle East

In 2008, after working for the Arab American Institute in Washington, DC, Erik Stier decided on impulse to move to Yemen, and later to Egypt. Equipped with Arabic language skills and a Middle Eastern and Islamic Studies degree from New York University, Stier worked as a freelance reporter for publications ranging from *Time* to the *Wall Street Journal*. Since joining BC Law, Stier, thirty-one, has spent his summers as an intern at DLA Piper in Dubai.

What was your experience reporting in

Yemen? When I arrived, Obama had just come into office and said he was going to shut down Guantánamo. The first piece I published was about what to do with Guantánamo prisoners, because many of them were Yemeni. But one of my frustrations about reporting from Yemen was that Western news organizations are only interested when there is some sort of explosive situation. My first year, I really couldn't get any stories picked up that didn't have al-Qaeda in the headline, so I moved to Egypt to cover economics.

What was the atmosphere in Egypt then?

There are protests in Egypt practically every day. The reality is the security apparatus in the past has been incredibly effective at suppressing these movements. I don't think anybody fully anticipated the scale that we saw.

What brought you to law school? While covering the revolution in Yemen, I wanted to play a more active role for tangible change on the ground. It is inspiring to see people willing to sacrifice so much for the prospect of a better future, and as a reporter, there's only so much you can do with your words. I felt that going to law school was a way to help effect change in developing countries that don't get the support necessary from the international community.

Where do you ultimately see your career? I'm interested in increasing the economic opportunities in the Middle East. When I went to DLA Piper in Dubai, the goal was to encourage more investment in the region. As investors become more comfortable, there's more capital, and hopefully that capital will go towards increased jobs and stability.

—Interviewed by Steven Chen '13



[LEGAL CURRENTS]

TRENDS, OPINION, AND TIMELY ISSUES

The New ‘Having It All’

SEEKING A NEW DEFINITION OF WORK/LIFE BALANCE
FIFTY YEARS AFTER FRIEDAN

This year we celebrate the fiftieth anniversary of Betty Friedan’s groundbreaking book, *The Feminine Mystique*. Like many women of my generation, I am personally indebted to Friedan. But for the movement she helped to launch, I may not have had a professional career. As it was, my graduating class from BC Law in 1985 was 40 percent women, many of whose mothers, like my own, had never worked outside the home.

Today, in any given law school class, there are likely to be 50 percent or more women enrolled. Starting out, they will earn wages equal to those of their male counterparts. However, by the time they reach their 40s—if their trajectories remain the same—they will earn 75 to 80 percent of what their male colleagues are making.

In the heady post-*Feminine Mystique* days, employers wanted badly to recruit women, though our assimilation was still something of a bumpy ride. Nevertheless, while the world of work was coming to terms with us, we were blazing our career paths full-steam ahead. Of the twenty-two associates who entered my law firm that fall, half of us were women.

Conversations would turn to plans for the future. We would have life partners, of course, as easily as we would make partner at the firm. Those who wanted to would have kids. We were pleasantly clueless about any future collision between those two objectives. We were the “have it all” generation; there was no question about making it *all* fit.

When Friedan published *The Feminine Mystique* in 1963, our society was defined by men—and women were defined in relation to the men in their lives. The fight was to open society’s doors to women so they could begin to define themselves. Today, we talk less about women versus men and more about work/life balance, or “to live the equality we fought for,” as Friedan put it.

Women now participate in all segments

of society and at every level of the workplace. In 2012, women made up 47 percent of the labor force and comprised more than half of management and professional positions. Women are getting published and otherwise having their work noticed in increasing numbers each year. Last year, an estimated 8.6 million women-owned businesses contributed \$1.3 trillion to the economy and employed 7.7 million Americans.

Yet women are still dramatically underrepresented in the highest ranks. The question remains: why?

The management consulting firm McKinsey and Company says in its 2012 report, “Unlocking the Full Potential of Women at Work,” that young women are not given as many high-profile or big-budget assignments. Workplace think tank Catalyst says that women are not always sponsored by higher-ups. Others say that women are reluctant to negotiate for higher pay and more responsibility. Facebook’s Sheryl Sandberg tells us that we need to “lean in.”

But many of us attribute the later-in-life wage and advancement gaps to something else: the maternal wall.

Sixty-five percent of mothers with infants work outside the home, as do 75 percent of mothers with children aged 6 to 17. Over their lifetimes, these women will likely spend fewer hours in the labor market than their male colleagues. A study by Hastings Law School found that mothers are 79 percent less likely to be hired, 100 percent less likely to be promoted, offered an average of \$11,000 less in starting salary, and held to higher performance and punctuality standards than childless women. Mothers face assumptions that being committed to work makes them bad mothers and that being committed to motherhood shows they are bad professionals.

The opposite is true for men: Men who are married and have dependent children generally earn more. This is particularly true if a man has a stay-at-home wife.

The nature of the American family is changing, and nothing in the terminology that I’m using here is meant to suggest that all families are or will be made up of a female mother and a male father. We now have in this country a wonderful smorgasbord of families comprising two women, two men, one woman/one man, single mothers, single fathers, and “villages” of extended families.

The family structure is changing in other ways as well. We are continuing to recover from an economic crisis where men were particularly hard hit on the jobs front and where an increasing number of women became the primary breadwinners.

In the end, one thing we can say unequivocally about American families today is that a vast number of parents are working and trying to raise children at the same time. Parents work for personal satisfaction and to support families. For many families, two paychecks are essential; most single parents have no choice but to work.

Those of us who choose to have children wish to support them responsibly—and that means longer hours at the office. We

Mothers face assumptions that being committed to work makes them bad mothers and that being committed to motherhood shows they are bad professionals.

want those children to be healthy and involved citizens—and that means time at home. We must work harder in this country to support working parents with strong national policies on child care, parental leave, and flextime working arrangements.

Still, as much as we need societal change, we can’t wait around. Author and family expert Stephanie Coontz writes, “Americans greatly value the ideal of motherhood, and we also greatly value the



REPE GIACOBBE

work ethic. But we often find it difficult to value both at once.” Change will come because it’s good for morale, for productivity, and for the bottom line. But those changes won’t happen tomorrow.

There’s an old saying, “Knowledge is power.” As today’s young women and men are poised to launch their professional lives, they have the benefit of lessons hard-learned by my generation.

We have learned that “having it all” will not magically happen. There will be

trade-offs in choosing to parent and choosing to work. Every parent will compromise; mothers likely will compromise more.

We have learned that women with children often do not “opt out” but leave their jobs because they are nudged off their paths or believe they have no other options. We have learned that “ramping back” after a hiatus at home is darn near impossible in today’s market. And we have learned that there is no one-size-fits-all for today’s parents.

The Feminine Mystique opened the door to personal choice. With the right planning, today’s young women—and men—will shatter glass ceilings, scale maternal walls, and define the next iteration of “having it all.”

Marguerite Dorn ’85 has worked primarily in international human rights since law school while juggling life with a husband and three children. Excerpted from a presentation at Brandeis University in 2013.

[HOT TOPICS]

CONVERSATIONS WITH THE DEAN



Lessons in Persuasion

HOW TRUST IN THE LAW—AND THE TENACIOUS IRISH PRESIDENT MARY McALEESE—WORKED MIRACLES IN IRELAND

Mary McAleese, who served as president of Ireland from 1997–2011, played a pivotal role in the Good Friday Agreement, which brought peace to the troubled nation. Last fall, when McAleese was a Burns Visiting Scholar in Irish Studies at Boston College, she and Dean Vincent Rougeau shared thoughts on uniting divided communities.

President McAleese, what were the underpinnings of your belief that the law could solve Ireland's problems?

I had a great hero in Daniel O'Connell. He was known as "The Liberator" in Ireland in the early part of the nineteenth century when Catholics were excluded from virtually every form of political, social life, or legal life. They were dominated by a small, Protestant, political, Anglo elite.

O'Connell's attitude was, use what tools you have to stay within the law, use your powers of persuasion, not violence, to effect change. He became a Parliamentarian and used those powers to achieve Catholic emancipation. The one thing he didn't achieve in his lifetime was persuading those who believed in violence to find a lawful way to obtain their objectives. When he died, he regarded himself as an abject failure.

But I was the generation that saw his vision become real with the paramilitary tradition ending and giving way to political process. When civil war breaks out on your doorstep, as it did when I was a teenager in 1969, you ask where to position yourself. I decided to position myself with O'Connell, in a belief in the law.

Dean Rougeau, what has your research into diverse communities revealed about the role of legal infrastructure in uniting divided peoples?

When a community is diverse and struggling, you need a structure that allows people to come together in the hope that there will be a neutral arbiter of their problems. We know from experience that no system is ever completely neutral, but what we've done in the Anglo-American legal tradition is pretty effective.

Yes, we've had to deal with bad decisions on issues like race, for instance, the *Plessy v. Ferguson* decision, which instituted racial segregation as legal. The United States lived with that ugly system of racial segregation for more than fifty years, but through constant pressure, and because the values of the system were inconsistent with the decision, that ultimately fell apart.

We organize immigrant communities to take their needs to people in power, to come to the table and demand what is rightly theirs. This suggests that they want to be involved in a conversation. The people on the other side will have to recognize they're coming with legitimate grievances and their response has to be something other than no.

President McAleese, how do you bring angry people around to believing in and using the rule of law?

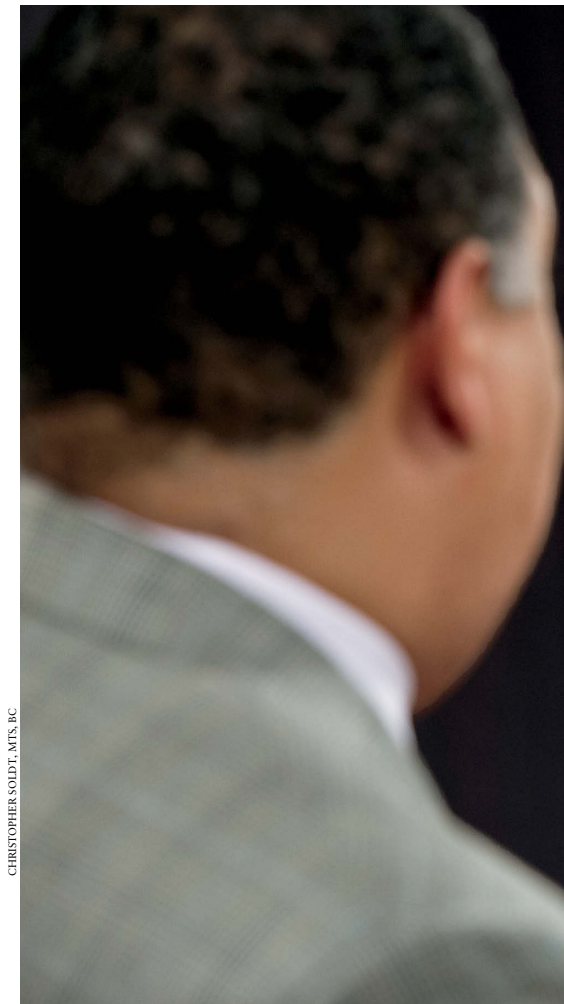
That's the real test of a belief in the power of persuasion and a belief that people can change. I believe that anger, particularly where it is righteous, can be addressed by showing there are points of give in the system, that you're going to explore them, provoke them, and work them to ensure that space opens up to accommodate that which is right.

Ireland had a history of paramilitarism that sucked up the anger and kept the violence going. We also had a system where nobody talked to those people. They were regarded as such pariahs that the govern-

ment said, we will not talk to them. So who did they talk to? They talked to each other, and in talking to each other, they simply refueled and ignited each other's anger and frustration.

I knew it was important to challenge that pattern, to find some kind of ingress. It was important to hear their anger and political ambitions, but also for them to hear that there was a better way to achieve their objectives.

You see, I've been capable of real anger. My brother John, who is profoundly deaf, was the victim of an attack by loyalist



CHRISTOPHER SOLT, MTS, BC

thugs when he was sixteen. He was left on our front doorstep screaming and bleeding profusely from a severed artery. That was over forty years ago, but I remember the overwhelming anger. I was fortunate to have parents who taught me how to deal with my anger in a healthy way.

And that's what I did over the years I was working in the office of the president. We spent fourteen years talking to a lot of very angry people. We gave them cups of tea, had bonns with them, had sandwiches with them, chatted with them, and generally tried to avoid, at first, the subjects that made them angry. We felt if we could just talk about the future to try to find some shared position, to get to some shared platform, maybe we could then talk about the tough stuff, which is exactly how it happened.

Dean Rougeau, how do you achieve moral authority when building a community?

Moral authority is embodied by someone who can recognize that we are all capable of enmeshing ourselves in structures that produce horrible outcomes. It's difficult to remove yourself sometimes from those structures.

The worst way to try to solve that is to say to the other, you are a bad person

because you were involved in segregation or repression of the Catholics, or you are doing bad things. We establish moral authority by saying, I understand that you are drawn to your family, traditions, and history. As part of your history you're also now implicated in a system that has some unfortunate outcomes that are harming other people. What do you think about that?

A powerful feature of the Civil Rights movement, in the early stages at least, were the attempts by people like Martin Luther King Jr. to call people to a morally higher place, not to tell them they were morally bad people.

President McAleese, what qualities did American negotiators bring to the peace process?

The two great persuaders from outside of Ireland who made a phenomenal contribution to the Irish peace process are Bill Clinton and George Mitchell.

At crucial times along that road when the gravitational pull of your own was strongest, along would come this voice from President Clinton that would encourage, nudge, suggest, and challenge. He could actually light the torch and say, here's the landscape you're going to get

"I believe that anger can be addressed by showing there are points of give in the system, that you're going to explore them to ensure that space opens up to accommodate that which is right."

to, it's going to be safe, you're going to be okay. It was kind of like having the big brother who's going to take you across the playground where the bully is.

George Mitchell was an extraordinary political operator. He brought [a new dynamic] to Northern Irish politics, which had traditionally been very contemptuous. Everybody who entered Northern Irish politics had to somehow explain what side they were on. Here was a man determined not to be on one side, but to be on everybody's side. That was a novelty because nobody believed it was possible to be on everybody's side, so that's what he set himself the task of achieving. That took him quite some time, and he did it by even-temperedness. He never lost his temper; he was always mannerly and respectful of everyone.

He introduced a new way of being political, and people began to realize, his way is working because he's changing our opinion of him so he's achieving something quite powerful here and he's making friends on both sides and he's bringing people together. People who wouldn't talk to each other are talking to him and he's becoming the conduit for both. He's able to go back and say, well, these guys don't see it this way, here's how they see it, and when they heard the others' position mediated or filtered through him whom they trusted, there was, believe it or not, the makings of a dialogue.

Clinton and Mitchell brought new ways of moving us from a completely win-lose mentality to a win-win mentality, and they did that with singular success. Without them, we would never have had the Good Friday Agreement, which has given us a stable and robust new government.

—Interview conducted, edited, and abridged by Vicki Sanders





THE SHAME OF GUANTÁNAMO

FOR HABEAS ATTORNEY
MICHAEL MONE JR. '96,
THE RULE OF LAW
IS NOT AN ABSTRACTION.
IT'S A CAUSE.

BY JERI ZEDER

ILLUSTRATION BY YUKO SHIMIZU

FROM EARLY ON, THE PRISON AT GUANTÁNAMO BAY, WHICH WAS OPENED UNDER THE GEORGE W. BUSH ADMINISTRATION IN RESPONSE TO THE TERROR ATTACKS OF SEPTEMBER 11, 2001, WAS WIDELY CONDEMNED IN THE LEGAL COMMUNITY. EVEN LAW FIRMS LOCATED CLOSE TO THE FALLEN TOWERS HAVE REPRESENTED GUANTÁNAMO DETAINEES, AND SUFFERED FEW, IF ANY, REPERCUSSIONS FROM THEIR CLIENTS FOR DOING SO.

They came to see it as a rule-of-law issue.

Today, twelve years after Guantánamo received its first prisoners on January 11, 2002, more than 700 men have been held there. More than 160 remain. About half of these have been cleared for release, yet remain imprisoned.

One of them is Ali Hussein Al Shaaban, a client of Michael Mone Jr. '96. But first, there is Mone's other client, Oybek Jabbarov—the one he helped to free.

In 2001, Oybek Jabbarov was twenty-six years old, an Uzbek national living in Afghanistan with his mother, his pregnant wife, and his baby son. He had left school at fourteen, then worked for small shopkeepers, and was drafted into the Uzbek army. When he got out, he traveled to Tajikistan to join his brother's merchandising business. A sweep of hundreds of Uzbeks by the Tajikistan government landed Jabbarov and his family in Afghanistan, where he and his wife raised and sold livestock.

While away on business, Jabbarov was separated from his family after fighting broke out between the Taliban and the US-backed Northern Alliance. For weeks, he took refuge at a roadside teahouse. One day, he accepted a ride to Mazar-e-Sharif from Northern Alliance soldiers, but the soldiers instead turned him over to US forces at Bagram Air Force base, likely for a sizeable bounty. He was then transferred to Kandahar and finally shipped off to Guantánamo Bay, arriving June 16, 2002. He endured shackles, interrogations, and detention without due process for more than seven years.

When Jabbarov was finally released in 2009, and reunited with his family, Mone asked him what he thought when they first met at Guantánamo two years earlier.

"And he said, 'I just couldn't believe that the same government that would take me from Afghanistan and put me in prison and send me to Guantánamo and interrogate me and treat me like this would at the same time turn around and allow me to have an American lawyer who's going to try and get me out. I just couldn't understand that,'" Mone relates.

Mone is one of several hundred lawyers across the country who have stepped forward, pro bono, to challenge the legalities of Guantánamo detention. Among their accomplishments are Supreme Court decisions establishing that Guantánamo detainees may contest their imprisonment in US federal courts, whether citizens or not, whether deemed enemy combatants or not, and

even though the prison is on land under Cuban sovereignty.

On a wall of his office at the Boston firm of Esdaile, Barrett, Jacobs & Mone, where he handles complex tort matters, hangs a framed 1968 campaign poster of Robert F. Kennedy that Mone rescued from his grandmother's basement. Visible from a window is the golden dome of the Massachusetts State House, seat of the government of the world's oldest, written, functioning constitution. "I don't know that I ever really knew what the rule of law was," Mone says, reflecting on his journey as a habeas lawyer. "I know what it means now."

"The rule of law is what keeps you from getting thrown in jail, and kept there for months on end without any challenge to the executive. It's the rule of law that keeps the police from banging down your door and searching your house without a warrant. It's the rule of law that keeps them from pulling you over just because you fit a profile," Mone says. "It's the thin line that keeps us from a police state. And I had really no appreciation for that until I represented one of these detainees, and I saw what was being done in our name, in my name."

Mone gradually grew into this view. Initially, his motives for representing Guantánamo detainees were personal and political. His family and his Catholic upbringing and education had instilled in him the importance of public service, leading him to work on political campaigns, attend law school, and become a prosecutor. Then he married, started a family, and joined his father's firm, and life's responsibilities drew him from his former activism. "In January of 2002, when the first detainees arrived at

June 14, 2013, marked the eleventh anniversary of Al Shaaban's arrival at Guantánamo. He has asked Mone not to visit him anymore. This reaction is not unusual.

Guantánamo, it wasn't like I was jumping up and down protesting that they had been brought here," he says.

It was his father, Michael Mone '67, who first suggested in 2005 that Mone take on a Guantánamo detainee. "I looked at him and I said, 'You're crazy,'" Mone recalls. But Mone's disappointments with the Bush administration were reawakening his activist conscience. His father put him on the email list of the Center for Constitutional Rights, which was recruiting lawyers to represent the detainees, and Mone came around. His law firm has sacrificed countless hours of his time and covered the expenses he has incurred doing this work. "The firm, and my father in particular, bankrolled this," Mone says.

In the spring of 2006, he started representing Jabbarov.

On his first visit to Guantánamo, Mone wondered anxiously about the prison, his client's mental state, and whether they'd make a connection. Jabbarov was sitting in a tiny room when they met, wearing an orange jumpsuit and chains. "Here's this guy, stands up, and he's got a nice smile, bright brown eyes, short cropped beard, short hair, and he shakes my hand and says hello," Mone says. Jabbarov spoke fluent English, which he had picked up from Guantánamo guards. Mone introduced himself, then laid out a feast.

"At the beginning, I showed up with bag-loads of food: nuts, dates, apricots, Egg McMuffin, chicken sandwich, a pizza from Subway, Coca-Cola, chocolate, honey, and tea," Mone says. "That was sort of a way to break the ice." At first, Jabbarov wouldn't touch anything. "I realized, maybe he thinks I poisoned it, so I... started digging in," Mone says. "That's when he slowly started eating, and he kept eating, and eventually started telling me his story."

The dossier that Mone compiled to advocate for Jabbarov seethes with indignation. Mone labeled one section "Kangaroo Court—Mr. Jabbarov's Combatant Status Review." There, he tears into the government's allegations that Jabbarov was a terrorist, pointing out that when Jabbarov denied the allegations and asked for evidence, the Military Tribunal produced none. The "personal representative," not a lawyer, assigned to assist Jabbarov, "asked no questions, offered no evidence, and put on no case. He just sat there like a potted plant," Mone wrote.

When Mone—who, remember, was once a prosecutor—traveled to Washington, DC, to look at Jabbarov's classified files, he was dismayed by what he saw. "What they considered the evidence against him...I felt nauseous. I had to walk out of there," he says. The evidence included an interrogation report in which another detainee, an informant, claimed that he heard Jabbarov and a third detainee discussing being members of the Islamic Movement of Uzbekistan. Mone did some digging and discovered that the only language Jabbarov and the third detainee shared was Uzbek. The informant spoke only Arabic. There was no way he would have understood any such conversation.

Jabbarov's case took a new turn when Mone learned that the Department of Defense had cleared him for transfer in February of 2007. But Jabbarov could not be returned to Uzbekistan, where

he would likely suffer torture and imprisonment. Mone spent the next two years looking for a country to take in his client.

Many countries were balk-ing at the idea of accepting Guantánamo detainees when the US was refusing to do so itself. On the other hand, a president who promised to close Guantánamo was now in charge. For a country to accept a cleared Guantánamo prisoner or two would be a positive gesture to the new administration.

Mone's strategy included winning over influential human rights organizations to put their clout behind Jabbarov. Amnesty International lobbied hard in Ireland, and Ireland finally said yes. Mone flew to Guantánamo to tell his client the news. "It was unbelievably gratifying to see the look on his face, to see it start to sink in," Mone says. Jabbarov left Guantánamo on September 26, 2009. Mone was not allowed on Jabbarov's plane, but went to visit him a couple of weeks later. "I'll never forget getting off the train in this little town in Western Ireland, and there he was. He had a new suit on; shaved, haircut; he looked great," Mone says. "It was really just unbelievable to be able to see him free, without the chains, without the shackles, without the orange jumpsuit."

The Irish government provided Jabbarov with food, clothing, shelter, and job training. They tracked down his family and brought them to Ireland. To this day, he and Mone are still in touch.

Many released Guantánamo detainees are not so fortunate. Laurel Fletcher, director of the International Human Rights Law Clinic at Berkeley School of Law and co-author of *The Guantánamo Effect* (University of California Press, 2009), studied more than sixty former detainees. She says, "There's a stain of Guantánamo that remains on these men's lives and affects virtually every aspect of their lives when they get out." Many suffer from lingering health ailments and psychological traumas. Their long absence makes it hard to reintegrate with their families. Their businesses are lost, and their families are in debt. "Because

**"WHAT THEY
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MICHAEL MONE

of the stigma of Guantánamo, men reported that they couldn't get started. People wouldn't lend them money. There was no place for them to turn to resume their life," Fletcher says.

They have, moreover, little recourse. Reparations are politically unlikely. And the Detainee Treatment Act of 2005 and Military Commissions Act of 2006 stripped detainees of any causes of action for damages for wrongful imprisonment, according to Mone.

Mone took on his next Guantánamo client in April 2010: Ali Hussein Al Shaaban, a Syrian who arrived at Guantánamo on June 14, 2002. He has spent the entire decade of his twenties there.

The oldest of ten children, Al Shaaban grew up in a small town and apprenticed to his father, a blacksmith. After graduating from high school in 2000 near the top of his class (he learned English in school), he decided to travel to Afghanistan, where he could live cheaply. He was staying at a guesthouse in Kabul with other Syrian nationals, when fighting broke out in the fall of 2001. He and his fellow Syrians tried to flee the country amid rumors that the Northern Alliance was targeting Arabs. Pakistani soldiers arrested them at the border and turned them over to the US. Al Shaaban was interrogated and flown to Kandahar, where he was imprisoned.

In the dossier he compiled for Al Shaaban, Mone wrote: "Ali spent nearly six months in the US prison at Kandahar—described by many detainees as an unimaginable hell. Ali's first night at the prison is forever seared into his memory. Upon arrival, he sat shivering on the airport tarmac in the freezing cold, wearing only a thin orange jumpsuit. His feet, legs, arms, and hands were tightly shackled. A rope looped around his arms and connected Ali to twenty other detainees. If one man moved, the rope pulled painfully on every other man's arms, cutting off circulation." Al Shaaban was subjected to beatings, deprived of sleep, and forced to stand for hours on end.

The US government alleged that Al Shaaban was associated with al Qaeda and the Taliban, but never formally charged him. Unclassified documents, Mone wrote in Al Shaaban's dossier, reveal "an ever-shifting justification for Ali's continued detention, with serious allegations bubbling up from Guantánamo, only to mysteriously disappear from subsequent hearings without any explanation....The fact remains that the US government has yet to offer even a scintilla of credible evidence....Instead, it relies on the statements of a handful of Guantánamo detainees who provided information on hundreds of fellow detainees—in exchange for favorable treatment—whose credibility has been called into question by US intelligence analysts."

Al Shaaban was cleared for release in 2009, but he remains in Guantánamo, a victim of disheartening realities: He would be unsafe returning to his native country; no other country has offered him refuge; prior iterations of the National Defense Authorization Act (NDAA) restricted the administration's ability to resettle Guantánamo prisoners in other countries; and the DC Circuit Court of Appeals, the court that reviews habeas decisions, rou-

tinely reverses favorable rulings. There is a small glimmer of hope for Al Shaaban: The 2014 NDAA relaxes the conditions for the transfer of cleared detainees to third-party countries, but international politics have changed since 2009 when Jabbarov was released to Ireland. Finding a country to take Al Shaaban in, Mone believes, will be extremely difficult.

June 14, 2013, marked the eleventh anniversary of Al Shaaban's arrival at Guantánamo.

Al Shaaban has asked Mone not to visit him anymore. This reaction is not unusual, according to Laurel Fletcher. In her research, she found many Guantánamo lawyers whose clients responded similarly to the hopelessness of their situations.

Besides Guantánamo, drone strikes and the detention of prisoners in foreign facilities are also aspects of the war on terror that implicate the rule of law, says BC Law Professor Daniel Kanstroom, director of the BC Center for Human Rights and International Justice. "It's a much bigger issue even than Guantánamo. There are a lot of

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MONE, UPON SEEING OYBEK JABBAROV FREE

people around the world who are in similar situations or worse who are being detained in foreign countries with no access to the US legal system, even to test the boundaries of their claims."

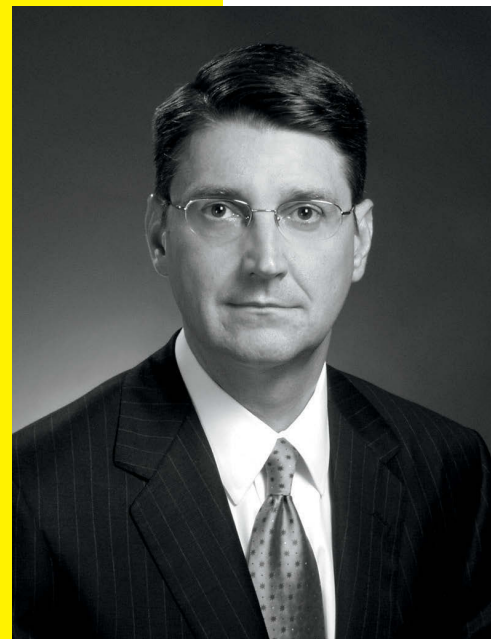
Mone continues to fight for his client, but for now, he has no news. "I have to write him a letter soon," Mone says. "What am I going to tell him?"

Jeri Zeder is a contributing writer. She can be reached at jzbcclaw@rede.zpato.net.



Oybek Jabbarov (shown at left in a poor quality snapshot taken by the Red Cross to send to his family) was released in 2009. When Mone asked him what he thought when they first met at Guantánamo two years earlier, Jabbarov said, "I just couldn't believe that the same government that would take me from Afghanistan and put me in prison and send me to Guantánamo and interrogate me and treat me like this would at the same time turn around and allow me to have an American lawyer who's going to try and get me out. I just couldn't understand that."

Michael Mone, right, says the US government didn't offer a scintilla of credible evidence against his second client, Ali Hussein Al Shaaban. He got him cleared for release in 2009 but cannot find a country to take him in. And so they wait. Counting the years, months, days.



The background is a blurred photograph of a classroom. On the left, a chalkboard is visible with some faint, illegible writing. In the center and right, the silhouettes and blurred figures of students are visible, suggesting a classroom setting. The text is overlaid on this background.

TERRIBLE

AND

TENDER

FYING



Why anyone who's ever
studied with Ingrid Hillinger
will never forget her.

BY JANE WHITEHEAD

PHOTOGRAPHS BY PATRICK O'CONNOR



Professor Ingrid Hillinger's first-year Contracts class is considering the question: When does an exchange of promises result in a contract? Hillinger, sixty-seven, a compact, energetic figure with white hair and a voice that effortlessly reaches the back row, commands the attention of the entire room on this November afternoon. As she probes students' grasp of concepts like "mutuality of obligation" and the rights of minors to disaffirm contracts, she prompts them to answer "in plain English," points out when they're missing an important detail—"You're skipping over something,"—and regularly checks that nobody's left behind: "Are you with me?"

"She keeps you on your toes," says Monika Blazeski at the end of class, when Hillinger stays at the podium for a further half-hour, patiently taking questions from a dozen or so students who line up to quiz her.

Once released by her class, Hillinger takes a guest upstairs to her office, next door to a small sitting area filled with cardboard boxes. "Swag!" she says, enthusiastically scissoring open cartons to reveal piles of legally branded goodies—screen wipers, flash drives, water bottles—for the 260 "1L Survival Kits" she creates with the help of her second- and third-year "Digesters," the student staffers and editors on the *Uniform Commercial Code Reporter Digest*, for which she acts as faculty advisor.

Hillinger's annual drive to solicit donors for gifts to cheer on stressed-out first-years at exam time is one small example of the care she devotes to her students. She drills and inspires them into competence in her legendary classes in commercial law and bankruptcy, surprises them with Halloween candy, feeds them cupcakes at make-up classes, and jump-starts their careers with a spin of her bulging Rolodex and tireless management of a huge and loyal network nurtured over thirty-six years of teaching, twenty-six of them at BC Law.

Her current students and generations of BC Law alumni will not be surprised to learn that Hillinger is one of twenty-six outstanding educators featured in a recent book, *What the Best Law Teachers Do* (Harvard University Press, 2013). In spring 2008, co-authors Michael Hunter Schwartz, Gerald F. Hess, and Sophie

M. Sparrow embarked on a systematic study of the qualities that make law professors excellent teachers who have a "significant, positive, and long-term effect on their students." To find their subjects, they reviewed hundreds of nominations and scrutinized thousands of pages of interview transcripts, student evaluations, testimonial letters, and teaching materials.

Having narrowed the field to twenty-six professors, through focus groups, interviews, and class observations, they identified attributes and behaviors that students valued highly in these teachers. The list included enthusiasm, empathy, responsibility, attentiveness, commitment to continuous improvement in their teaching, and concern for every student; a litany of qualities that Ingrid Hillinger's students recite time and again.

GREAT EXPECTATIONS

"I'm sure you've heard that I'm very tough," said Hillinger, in a recent conversation. "I am. I don't make any apologies. I do love my students, but loving them also means having very high expectations, because that's the real world. And I try to have higher expectations of myself."

Those expectations include relentless preparation and revision of her teaching notes, often done in the small hours of the morning. "I'm a morning person," says Hillinger, and that's an understatement. On teaching days she is often at her desk by 3:45 a.m., after a one-hour commute from her home in Gloucester to Newton, and a five-minute stop to pick up a giant Dunkin' Donuts coffee.

As a leading scholar in her field, co-editor of the multi-volume bankruptcy treatise, *Chapter 11 Theory & Practice: A Guide to Reorganization*, and co-author of the Article 9 case book, *Commercial Transactions: Secured Financing: Cases, Materials, and Problems*, Hillinger might be expected to take her foot off the gas now and then when it comes to preparing her classes. But she never takes success for granted.

"I was stunned by how hard she works at her teaching," said Michael Schwartz, who interviewed Hillinger for the *Best Law Teachers* book. "Here she is at a top law school, and she devotes five to six hours of prep time to every class session she teaches. Her students can tell how hard she prepares, and they respond by preparing hard themselves," he said. Third year student Anthony Layton, another early-bird long distance commuter, has seen her early-morning prep first hand. "No matter how long she's been teaching a class, every lecture she tries to make it better," he said. "That drive to always improve is very inspiring."

Another unusual feature of Schwartz's study of Hillinger's

Professor Hillinger drills and inspires her students into competence in her legendary classes in commercial law and bankruptcy, surprises them with Halloween candy, feeds them cupcakes at make-up classes, and jump-starts their careers with a spin of her bulging Rolodex.

teaching, he said, is the number of former students who told him that even though she gave them poor grades, "they still regarded her as the best and most caring teacher they had taken a class from, not only in law school, but throughout their whole lives." Amee Bergin Synnott '01, now assistant general counsel at Stonehill College in Easton, Massachusetts, was part of Schwartz's focus group of former Hillinger students. Her worst grade in law school was in Hillinger's bankruptcy class, Synnott admitted in a recent



conversation. “But if you got a bad grade, she would move heaven and earth to help you, if she thought you worked hard and had a good heart,” she said.

Noah Hampson '12, now a law clerk in the US Bankruptcy Court for the Western District of Wisconsin, was facing his final semester without ever having taken a Hillinger class. “I was told by more than one person,” he said, “that if I graduated from BC Law without taking a class with Ingrid Hillinger, my degree would be worth substantially less.” Schwartz’s research confirmed this. He found “there are lawyers and judges who regard taking Professor Hillinger’s bankruptcy class as a prerequisite to being eligible to be hired.” So Hampson signed up for Business Bankruptcy, his first and last commercial course. “I was led to bankruptcy by her reputation,” he said, laughing.

NO HIDING PLACE

Hillinger imposes a certain formality and professional discipline in her classroom. She assigns seats, knows everyone by name, addresses students as “Mr.” and “Ms.” and calls on them randomly, without notice, in classes of every level. “You cannot hide in her class,” said second-year student Becky Mitchell. The initial impact of what Anthony Layton describes as “her big voice and her commanding presence,” can be “absolutely terrifying,” as Mitchell and many others attest. But underneath the intensity, “she likes to have fun with her classes,” said Santiago Posas '15. “She’s very good at breaking things down into steps,” he said. “She’ll be able to find out what you can’t understand, while laughing with you.”

3L Jasmin Ali has taken all of Hillinger’s classes. In a ninety-minute session, said Ali, “there is not a single wasted word.” In Hillinger’s carefully crafted and chosen problems and hypotheticals, she said, “she packs information into every single example, every note; none of it is filler.” At the end of a Hillinger course, said Ali, she has about seventy pages of notes, rather than her usual thirty-five to forty.

“Professor Hillinger does a really good job of teaching people how to be concise and precise—making sure you’re focusing your writing and hitting on the important points, but explaining those points clearly,” said Jennifer Kent '13, now a first-year associate attorney at the Boston office of Goodwin Procter LLP. Kent recently learned that she had won third place in the prestigious Judge John R. Brown Award for Excellence in Legal Writing, for her article, “Lien on Me: the Survival of Security Interests in Revenues from the Sale of an FCC License.” Hillinger suggested the topic, said Kent, and was an invaluable sounding board for testing her ideas and arguments, but the basic writing skills were those she learned from Hillinger as a first-year student in Contracts.

Four or five years ago, Hillinger observed that laptops impeded the conversational flow of her classes, as students struggled to take verbatim notes, and responded sluggishly to questions. With some trepidation she banned laptop use except by students with special needs and by two assigned note-takers who distribute notes to the whole class. Many students have since thanked her, she said.

“The classes were absolutely conversations,” said Noah Hampson, recalling how Hillinger “used the Socratic method in



this almost surgical way to propel the lecture and at the same time bring the students along and keep them engaged.” Hampson, a former student athlete, likened Hillinger to a coach “who makes you want to do well for her.” “She commands respect by demanding more from her students than I think most have ever had demanded of them before,” he said.

Hillinger has acute radar for students who are struggling. “When I see a frown,” she said, “I know someone’s confused. And if someone’s confused, I’m sure a lot of people are confused. So I’ll stop and say, why are you frowning?” If the student concerned has a hard time articulating her or his bewilderment, she’ll ask the whole class: “Can someone tell me why they’re confused?” And usually someone can. “They know I’m watching, and they know I don’t want to go forward unless everybody’s on board,” she said.

THE POWER OF HIGH TEA

“I really want to get to know my students,” said Hillinger. So six years ago, she started inviting groups of six to eight first-year students in her Contracts class to “high tea” in the sitting area next to her office, where she and her teaching assistant serve them cheese, crackers, cupcakes, cookies, and cider (never tea). “The students are afraid of me,” she said, “so one of the reasons I do this is to stop them being afraid of me.” It works. “You get to see her non-teaching, motherly side, and establish a rapport in a safe, relaxed

atmosphere,” said Layton. “It has really broken the ice,” said Hillinger. “Students see that I have a life, and I’ll get emails from them, and they’ll come and talk at other times.”

The gatherings give students a rare chance to share their dreams and aspirations and the reasons why they came to law school, said Steven Chen ’13. “Most first-years don’t know their professors and they don’t know you,” said Chen, but Hillinger “knew who we were as people.” Chen worked for Teach For America (TFA) in Arkansas before law school. Hillinger recalls that at that first tea, “when he talked about his students, he started to tear up, and I said, ‘Steven, why are you here?’ and he never answered.” “She could see who I was more clearly than I could see myself,” said Chen, who returned to TFA after law school and is now Massachusetts Director of Strategy in the Boston office.

One thing Hillinger always points out to her students over tea is that 90 percent of them are not going to be in the top 10 percent of their class. Then she says: “But here’s the thing: 90 per cent of practicing lawyers were not in the top 10 percent of their class.” “Being a first-year, first semester, is horrible,” she said, “and they really need to hear that.”

ONCE MY STUDENT, ALWAYS MY STUDENT

Hillinger described her recent campaign to launch the Ingrid Michelsen Hillinger Public Interest Legacy Fund (see sidebar, right) as an amazing journey. “I’ve been able to connect with all my students,” she said, her eyes suddenly brimming. Hillinger finds many ways to nurture enduring emotional and professional bonds with her students. She travels to alumni gatherings from Maine to California, attends “an awful lot of student weddings,” and bulk-buys her favorite baby gift, a classic board book, *Click, Clack, Moo*, by former bankruptcy attorney Doreen Cronin.

Michael Mahoney ’96 is the principal at a personal injury practice on Boston’s North Shore. Since leaving BC Law, he had never completely lost contact with Hillinger, but was stunned when she turned up at his house one weekend four-and-a-half years ago, bringing food for his wife shortly after the birth of their twin sons. “When she’s involved in your life, she stays involved,” said Mahoney. “If you’re in trouble, no matter how busy she is, she drops what she’s doing,” he said.

“As a teacher, mentor, and friend there is nothing she will not do,” said Kelly Babson ’06, a partner at the Boston office of Nixon Peabody, specializing in securities. “If it hadn’t been for Ingrid and her support and encouragement, I probably never would have gone to a law firm and been a partner,” said Babson, who entered law school in mid-career. “I’ve never seen anyone who cared as deeply about so many individuals,” she said.

Hillinger has a gift and a passion for matching students and former students with people who can help start or redirect stalled careers. “I like to pair people with bankruptcy judges,” she said, and she makes it her business to remember which judge appreciates a sense of humor, and who values smartness above all. “You send one bad match, that’s it, that pipeline’s dried up,” she said. “She wrote me an epic letter of recommendation,” said Noah Hampson. The judge he now clerks for told him, “I read this letter from Ingrid and I could not *not* interview you!” Hampson was quick to say: “That has nothing to do with me, but everything to do with how Professor Hillinger gets to know you in a way that is unusual in law school.”

“Ingrid’s not afraid to talk about how your job and your career fit in with the rest of your life,” said Amee Bergin Synnott. Through

two career changes, said Synnott, Hillinger was her “biggest cheerleader.” Hillinger told her: “You need a job that you love going to, and where they love you,” then mobilized her “phenomenal network” to help put her on track to find such a job. “She helped me to see my best self and to find my place in the world,” said Synnott, simply. What greater accolade could any teacher in any field receive?

Jane Whitehead is a regular contributor to BC Law Magazine.

Hillinger Raises Nearly Half a Million and Counting

Establishes fund for public interest stipends

FOR YEARS, Professor Ingrid Hillinger has watched students scramble to raise money for Public Interest Law Foundation (PILF) summer stipends that enable them to take internships in unpaid or low-paid public interest jobs. Bake sales, auctions, talent nights, and charity basketball games “take an enormous amount of time and effort,” says Hillinger, and “they never raise anywhere close to enough money.”

Hillinger determined to create a legacy that would provide a long-term boost to PILF fundraising. In the fall of 2012, she received permission from the University to try to raise \$100,000 in cash and pledges by 2014. Through hundreds of personal emails, notes, letters, and phone calls, she reached out to former students, family, and friends. By January 10, 2014, Hillinger had far exceeded the goal, raising more than \$420,000 in pledges, including over \$198,000 in cash already received.

“This kind of success is simply amazing,” says Jessica Cashdan, executive director of advancement and associate dean, “but it’s not altogether surprising given Ingrid’s tireless work coupled with her heartfelt and inspiring commitment to students.”

Within the next few years, income from the Ingrid Michelsen Hillinger Public Interest Legacy Fund (IMH-PILF) will augment the PILF summer stipend program.

PILF President Matthew Brooks ’15 says: “This endowed fund is a labor of love wrought by a professor who cares more deeply about the success of all her students than perhaps any educator I have ever met.”

Former students, faculty, and family members gathered to celebrate that labor and the fund’s launch at a reception held at the Law School in November. One of Hillinger’s former students, Kendra Chencus ’97, who helped her with the campaign, told the gathering, “While her fund will now be an indelible part of her legacy, I know I am not the first to suggest that Ingrid’s legacy was established long ago. It lies in the countless lives she has touched and changed for the better.”

“Thanks to the amazing regard Ingrid’s former students, colleagues, and friends have for her, the early success of the fund has been phenomenal,” says Director of Alumni Relations Christine A. Kelly ’97.

But for Hillinger, this is just the beginning: “I hope to raise a million before I die,” she says.

To give to the Ingrid Michelsen Hillinger Public Interest Legacy Fund, go to www.bc.edu/lawfund and click on “Give Online Now” in the left navigation bar. In the “I wish to make my gift to” window, write Hillinger Fund.




LOVE STORY

**Will she call him?
Will she not?
Joanne Caruso and
Thomas Zaccaro's
curious romance.**

BY
VICKI SANDERS

PHOTOGRAPH BY
KEVIN SCANLON



mimeographed pamphlet of student pictures posted in the registrar's office. About a month into the school year in 1982, the curious Zaccaro looked up Caruso. The only way to contact her was to place a note on the community bulletin board. Mentioning their mutual friend and the fact that they came from nearby towns, he said he wanted to meet her and asked her to call.

"Harrumph" was Caruso's reaction.

"I was still pretty stressed about being a first-year law student," she recalls, amused. "I thought, what sort of person would write a note like that? He must not have any friends. I didn't call him."

Fast forward to December. Caruso was manning a charity fundraiser table in the lunchroom when Zaccaro walked up. He had been at an interview and was wearing a suit. He had spotted her occasionally around campus, but this time decided to approach.

"Hello," he said.

"He looked really handsome," Caruso recalls. "I felt flustered, flabbergasted, and embarrassed." But exams were approaching. She couldn't add one more thing to her to-do list. She remained aloof.

"She didn't quite perceive me as a loser that time," Zaccaro chuckles, knowing now what he didn't know then, "but we still didn't date."

Later, Zaccaro, who was on Law Review, spoke to one of Caruso's classes about joining the Review. Impressed, she thought, "Maybe I should have answered his note."

September 1983: A year had passed since Zaccaro had posted that fateful message. They ran into each other at bar review.

Zaccaro remembers that she chided him for being a serious law student who never had fun. "So," he says triumphantly, "I challenged her and asked her to go out that night."

They went to see *Easy Money* with Rodney Dangerfield. "It was the worst movie ever," Caruso remembers, "but we had a nice date. We walked across the street, and I had my first sausage and pepper pizza."

A week later, something happened that Caruso read as a fateful sign. It was the weekend, and she was studying in an out-of-the-way room at the Law School.

The two litigators are rarely at a loss for words, for better or for worse.

Serendipitously, Zaccaro walked in. Both were surprised to see each other.

They ended up talking for a long time. Zaccaro, who was interested in constitutional law, revealed that he aspired to be a law professor. Caruso watched and listened, entranced, as he walked back and forth, acting out what his class would be like.

They were engaged four months later, and married in September 1985.

Caruso explains the attraction. "He was funny and made me laugh, and he was obviously very smart and ambitious. Those things are still really true."

And for Zaccaro? He'd known when he'd first set eyes on her facebook photo that she was special. "She was a beautiful person," he says. "I saw that in her picture."

Their route to Los Angeles, where they now live, was a winding one as their careers took the two litigators in different directions.

Caruso had taken a semester off from law school to compete as the Connecticut contestant in the Miss America Pageant, so, though she was a member of the class of 1985, she finished law school in 1986. She did so by completing her credits as a visiting student at George Washington Law while working part-time at Howrey Simon in Washington, DC, where she'd spent her first-year summer.

Once upon a time....No, wait. Let's start again. Joanne Caruso and Thomas Zaccaro did not exactly have what you'd call a fairytale beginning.

She: An anxious 1L determined not to let anything or anyone distract from her studies.

He: A second-year who'd been told by a friend that the "weather girl" from his local TV station in Connecticut had enrolled at BC Law.

He had the wrong girl (her sister was the weather broadcaster).

She had the wrong attitude.

In the 1980s, Facebook was still a



The Zaccaros at Tom's graduation, at their wedding, and just hanging out at law school.



Something in the Water

Sweethearts find each other while romancing the books

LOTS OF PEOPLE FALL IN LOVE AT BC LAW. Jonathan Moll did.

"I was in the class of '84, as was my wife, Debbie, whom I met in our very first class on the very first day of our first year. We were married between our second and third years," Moll says. "There must have been something in the water during that time because a number of our classmates were married during or right after law school."

Actually, there's been something in the water for a very long time. More than 750 alumni—dating back to the 1950s—have found their life partner within the Law School community. Earl Adams '02, who married Tamara Devieux '00, once rattled off in an instant the names of ten law school friends who had married one another.

Jill Zimmerman-Diaz '95 and her husband Carlos '95 met in—of all things—a domestic violence seminar in their second year. "We each landed the same obscure interview for the same obscure paper topic," she recalls. "We ended up interviewing the person together. Carlos asked me out on the day of the interview (although he insists it was the other way around)."

Sarah Pray Plunkett '04 and James Plunkett '04, who were practically inseparable after meeting in their second year, now work in Washington, DC. "The funny thing is, we are on complete opposite sides of the political spectrum, which is what attracted me to him in the first place," says Sarah. "He wasn't afraid to voice his dissenting opinions in law school and I found that intriguing. Ten years later, we still go toe-to-toe! Needless to say, the last few elections have made for heated dinner debates."

Sometimes, Cupid strikes long after law school. Jim Hawkins '88 and Mary Morris '88 reconnected at their twentieth reunion in 2008 and married in 2010.

To celebrate all of BC Law's happy unions, the Law School held an early Valentine's Day reception at the BC Club in January.

She would remain at Howrey until 2011, helping them establish and eventually becoming managing partner of the firm's Southern California offices. She is currently Vice President and Director of Global Litigation at Jacobs Engineering Group in Pasadena.

Meanwhile, during the Washington years, Zaccaro also worked for Howrey and then was back and forth to New York, where he was an assistant US attorney for the Southern District of New York and a trial attorney for the Department of Justice Organized Crime and Racketeering Section.

In 1995, the couple moved to California, in between the births of their two daughters, Christine, now a sophomore at Boston College, and Carolyn, a senior in high school. After a stint as chief trial counsel of the Securities and Exchange Commission, Zaccaro became a partner in the litigation practice at Paul Hastings and chair of the LA litigation department.

Not surprisingly, the two litigators are rarely at a loss for words, for better or for worse, Caruso laughs. They talk about their work all the time. "Law has been a great profession for both of us," she says. It suits her competitive nature and it completes his dream of being a prosecutor, especially in securities work and litigation.

But they have more in common than the law. "Our backgrounds were very similar," Caruso explains, having grown up only a few towns apart in Connecticut. "We come from similar types of families; both are completely of Italian heritage, where the emphasis is on hard work, family, and education. That's how we've continued to deal with things."

When she speaks of the large networks of friends and colleagues they've developed over the years, the irony of her assumption that Zaccaro had no friends in law school is not lost on her—or on him. Her presumption that he was a loser, he teases, "is a shame I lived with without knowing it."

"When I think back to decisions I've made in life and ask if I would do anything differently," Caruso says, "I'm so glad I went to BC Law for many reasons, but mostly because it's where I met Tom."

And so, you might say, they've lived happily ever after.

[GLOBAL ENGAGEMENT]

WHERE BC LAW'S COMMITMENTS TO JUSTICE AND INTERNATIONAL LAW CONVERGE

Global Programming Burgeons Here and Abroad

LLM STUDENTS, NEW PARTNERSHIPS IN FRANCE,
CHILE ADD TO INTERNATIONAL MIX



LLM students Onur Atakan
of Turkey, Rita Couto of Brazil,
and Tomoko Misawa of Japan

Onur Atakan was set to begin a career in commercial transactions with an Istanbul law firm when demonstrators descended on Taksim Square last spring to oppose government redevelopment plans. When police responded with surprising force—unleashing volleys of tear gas and spraying demonstrators with water cannons—something changed for Atakan.

“It was like a war scene,” Atakan says. “It had a big effect on me. It influenced my view that as a lawyer I need to do something for the public, not just earn money.” As a member of the 2014 LLM class at BC Law School, Atakan is now focusing on international criminal law, and plans to pursue a PhD in international relations before returning to his native Turkey.

Tomoko Misawa spent five years working as an in-house attorney at Mitsubishi Corporation in Tokyo before joining this year’s class. “As part of an in-house legal staff, we have to be able to make strategic decisions for the business. To do that in a global company, it’s important to know how different commercial lawyers are thinking,” says Misawa.

Rita Couto earned a law degree in Brazil before launching a career as a tax strategist that brought her to Ernst & Young in New York. After the birth of her first child, she wanted to do more to help her community. “I realized I was more interested in public interest than wealth management,” she says. After completing her LLM, Couto plans to take the Massachusetts Bar.

Atakan, Misawa, and Couto are representative of a significant movement taking place at the Law School. Last July, Professor Frank Garcia was appointed Associate Dean for Global Initiatives, a new position tasked with rethinking international curriculum and opportunities available at BC Law. “This position is about identifying possibilities,” Garcia says. “We have to rethink the whole exercise of legal education from the top down and determine what it takes to train a lawyer for twenty-first century legal practice.” For Garcia, who has taught in France, Australia, Uruguay, and Austria, that means making the global perspective an integral part of the classroom experience.

To help in that mission, the Law School

DANA SMITH

recently hired Susan Simone Kang to serve as Associate Director of Graduate Legal Education, overseeing the programs for international LLM students, visiting scholars, and global exchange students. She came to the Law School from a similar role at the Fletcher School of Law and Diplomacy at Tufts University. She holds a JD from Cornell Law School with a specialization in international affairs and an LLM in international affairs from Tufts.

This is a pivotal time for the development of the Global Initiatives program, says Garcia. While the London program remains the flagship, the LLM is the cornerstone of BC Law's programs to bring foreign students and scholars to the Law School as JD students, exchange students, LLM students, and visiting scholars, Garcia says.

The faculty are also working to build international externship and clinical programs by collaborating with a host of foreign law schools, international firms, and partner institutions.

Kang and Garcia have made progress in expanding global opportunities for BC Law students. Adding to the study abroad opportunities already available in London and Germany, the Law School recently established programs with the Sorbonne Law School in France and Pontifical Catholic University in Chile. BC Law will host eight visiting scholars during the Spring 2014 semester.

"We no longer have the choice of remaining locally minded," says Kang. "We have to think about the impact we have in the world and what impact our practice has. To do that, you have to be aware. These programs are really about educating American students and scholars as much as they are for their international colleagues."

As a first-generation American who spent part of her early years in Italy, Kang understands the benefits that a global perspective can bring, and how to navigate the obstacles that can stand in its way. When

her family returned to the US from Italy, Kang was three years old and fluent in Italian. In elementary school in Brooklyn, New York, being bilingual landed Kang in a classroom for students with learning disabilities. "My teachers didn't understand that I was responding to their questions in multiple languages," Kang recalls. "But that taught me a valuable lesson that has carried through to today: You need to talk to people in a way they understand."

Kang's experiences in international legal education shaped the vision she has for BC's LLM program, now in its seventh year. "We want to ensure that our international students have the legal and cultural skills to approach a US legal issue in any context, whether or not they've studied it in a course," she says.

In contrast to other universities that have rapidly expanded their LLM programs in recent years, Kang and Garcia emphasize the importance of keeping the program small in order to focus on understanding their students and providing a tailored legal education. "We're never going to be an LLM degree mill," says Garcia. "Our students are coming

to a program where we are going to know them individually and have a stake in their development and success." This year, BC Law welcomed fourteen students from across the globe to the program.

By weaving LLM students into the fabric of the BC Law experience, Kang and Garcia are not only helping international students understand US legal culture, they are also providing JD students with insight into other legal systems. For many JD students, it may even deepen understanding of their own system.

"Being in a course with LLM students changes the classroom experience," says Marija Ozolins '14. "Professors can use the perspective of a different legal system to bring a comparative approach to dialogues where that typically may be lacking."

—Erik Stier '14



Susan Simone Kang

OUR GLOBAL NETWORK

Transcending Borders

BC Law has launched a Global Practice Program (GPP) to enhance experiential and global learning opportunities. Joining the existing London, Human Rights Semester in Practice, and Immigration Externship programs in the GPP is the new Sorbonne JD/LLM Program, which provides 3Ls a year's study at the prestigious French school. "The core elements of the GPP embody our mission and institutional priorities: It is global, it is about practice, and it is centered on justice," said Paul Tremblay, faculty director for experiential learning.

All in the Family

Scott Fitzgibbon co-founded the new *International Journal of the Jurisprudence of the Family* and Sanford Katz co-founded the International Society of Family Law.

Death Knows No Boundaries

Even law fields traditionally regarded as "local," like trusts and estates, are now part of a growing global conversation. Professor Ray Madoff, author of *Immortality and the Law: The Rising Power of the American Dead*, joined scholars at Groningen University in the Netherlands to discuss what happens posthumously to people's reputations.

Aussie Links

Is it something in the water Down Under? Renee Jones co-authored an article on corporate and securities law in the US and Australia with a Monash University colleague. Kent Greenfield gave a paper at the University of New South Wales, addressed the Corporate Law Teachers Association of Australia, and will teach an LLM class in Sydney this summer. Frank Garcia taught in Brisbane in 2012, and BC Law's newest faculty member, Australian Katharine Young, was a professor at the Australian National University.

>SAVE THE DATE: LONDON PROGRAM TURNS TWENTY-FIVE

The BC Law/Kings College London Program will celebrate its twenty-fifth anniversary this spring. All past participants are invited to attend. Festivities begin May 8 with an opening reception, followed on May 9 by a conference and dinner. Most activities will be held at Kings College. For more information, please contact Professor Judy McMorow at judith.mcmorrow@bc.edu or faculty support assistant Judy Yi at judy.yi@bc.edu.

FOR ENHANCED AND RELATED CONTENT ONLINE, VISIT

**WWW.BC.EDU/
GLOBALENGAGEMENT**

[POINT OF VIEW]

OBSERVATIONS FROM THE FIELD OF LAW

A Hard Rain's A-Gonna Fall

HOLOCAUST FELLOWSHIP EXPLORES THE ETHICS OF GERMAN LAWYERS UNDER NAZI REGIME

Our group of law fellows walked through the crowded reception area, passed the book store, and wound through the roped-off lines to get our tickets. We were soon standing at the front gates of Auschwitz I, about to walk under the infamous “Arbeit macht frei” (“work makes [you] free”) gate. Nobody knew how to feel as we stood there. Past the barbed wire and the guard towers, Auschwitz I looks like a summer camp. Lines of little brick buildings spaced between strikingly green grass and beautiful trees. From this perspective, it was impossible to imagine this place seventy years ago. Impossible to imagine what actually happened here. We faced this very same problem throughout the trip.

Last May, after a semester-long application process, I had the opportunity to begin a two-week FASPE Fellowship (Fellowships at Auschwitz for the Study of Professional Ethics). The program is run through a partnership between the Museum of Jewish Heritage in New York City, which covers all of the costs associated with the trip, and Yale Law School, which developed the curriculum. I was one of twelve law students from across the country, led by Eric Muller, a professor of law at the University of North Carolina School of Law at Chapel Hill, and Lisa Lerman, a professor of legal ethics at the Catholic University School of Law. We traveled together from New York to Berlin, and then to Krakow and Oswiecim, Poland, and finished our journey in Nuremberg, Germany.

We visited places that have seen profound human suffering, discussed the decisions made by Nazi lawyers to cause this suffering, and contrasted those historical decisions with contemporary ethical dilemmas that lawyers face today.

Looking at the whole picture, the mass murder of six million people, the easiest,

most accessible thing to do is to distance yourself from it, assure yourself that it was one isolated group of people who were capable of doing this. Then you break it down. How did the Nazis perpetrate this kind of mass murder? How is it possible to kill six million people? Ordinary people made decisions, small decisions, one after another, that made this happen. Clothing designers who chose to purchase human hair from the Nazis, hair cut off of people when they arrived, hair made into fabric and sewn into linings on suits and jackets sold across Europe. Doctors who stood at the platforms as trains arrived to separate who would be killed immediately and who would be sent to work. Companies that chose to produce and sell the pellets that were sprinkled on top of victims standing in the gas chambers, companies that increased their production exponentially to keep up with Nazi demand. The local farmers who chose to fertilize their soil with human ashes. And then there were the lawyers.

We were in Europe to learn about the decisions that lawyers made, the essential role that these “desk murderers” played in the genocide. It was a role that I had never focused on, either as a history major at Boston College or as a law student afterwards. The Nazi regime depended upon lawyers to construct laws that facilitated and legitimized their plan—from the architects of the Nuremberg Laws by which the Nazi party began systematically and legally stripping German Jews of their fundamental rights, to the lawyers who participated in the Wannsee Conference, where cruel new laws and policies were drafted. Working within the framework of the law gave the Nazis a legitimacy and authority that they could not have achieved otherwise.

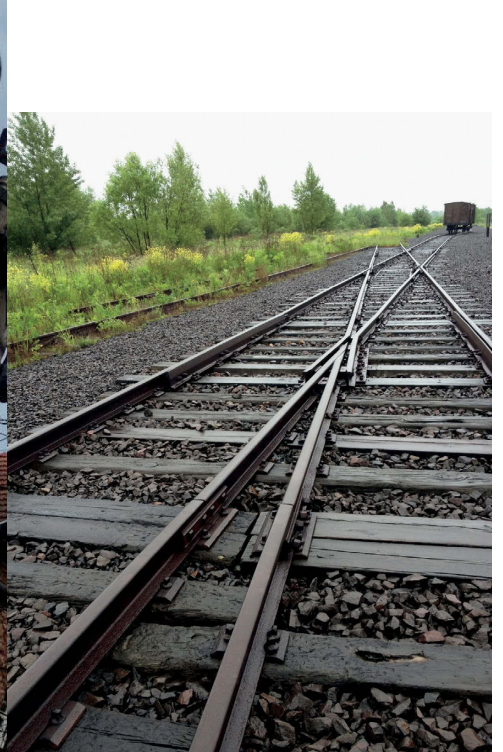
Our lessons began in New York. FASPE Director Thorin Tritter engaged us in an intensive look at European history from

1919–1939, giving us important context for Hitler’s rise to power. The seminar culminated with a talk by Holocaust survivor Bronia Brandman. She told us about the Nazi invasion of her town, described how they burned people alive in the local synagogue, murdered others in the slaughterhouse and baths. She accounted for the last time she saw each of her family members. Brandman told us that her liberation from the camp was not the end of her sorrows. It was the beginning; she was fourteen and alone in the world. Her entire family was murdered in the very place that we would be visiting. Auschwitz is, first and foremost, a graveyard. Her family was killed there. Members of my group had family members murdered there.

We walked through this
graveyard, now knowing
how ordinary lawyers
made this all happen.

Before we arrived at Auschwitz, about a week into our trip, we ventured to the Grunewald section of Berlin to visit a home on the side of a beautiful lake. It was hard to imagine that this peaceful mansion played host to one of the most infamous strategy meetings of the Holocaust. On January 20, 1942, fifteen high-ranking members of the Nazi Party and German government agreed upon a plan by which to carry out the Final Solution. Most of these men were lawyers. Before this date, 80 percent of the Jews who would die at the hands of the Nazis were still alive.

The officials discussed a variety of legal matters, including what the definition and standard would be for evaluating who would be considered Jewish going



While on a fellowship to study the professional ethics of Nazi lawyers, Jessica Frattaroli '14 retraced many of the steps taken by Jews in the concentration camps in Poland.

forward under the accelerated plan. They constructed a new plan for Jews married to non-Jews and persons of mixed descent.

Being in this place, this room, was surreal. These men were comfortably distanced from the concentration camps, from the gas chambers; they were not the men who led people to their deaths, but their decisions at this meeting made it all possible. We sat around the same table, looked out over the same beautiful lake, and talked to each other about the decisions we might be faced with in our own practice and what ethical implications we are comfortable with.

We finally reached Poland. Over the course of two rainy days, we spent time in the small, well preserved Auschwitz I

and the vast and deteriorating Auschwitz II, Birkenau. At Auschwitz II, we walked the path that people took once their trains reached the platform and they were chosen for death. We walked the long road to the outskirts of the camp where the gas chambers were set up. We sat in a vast field with tall trees towering above, the field where people waited to be killed. Mostly women waited here with their children, trying to keep them calm and peaceful as they heard and smelled what was happening on the other side of the field.

We walked towards the remains of the gas chambers. The soil everywhere yielded up white flecks; our guide told us the earth was permeated with ashes, which the rain brought to the surface. We walked through

this graveyard, now knowing how ordinary lawyers made this all happen.

We ended our trip in Nuremberg, Germany, where we visited the courthouse museum. As a person who came to law school to become a prosecutor, I was particularly struck by Court Room 600. The lawyer's role in the Holocaust is most commonly associated with post-war justice, not pre-war crimes. We discussed the international approach to prosecuting these crimes, the evidentiary hurdles, and the precedent it set for future international tribunals.

Lawyers played a tremendous role in post-war justice, but that was not where the story started. There was so much more that happened first.

— Jessica Frattaroli '14

[FACULTY]

PROFILE



Mentored by the “brilliant and fearless” Hon. Justice Michael Kirby at the High Court of Australia, the Australian-born Young received a master class in comparative constitutional scholarship.

A Globe-Trotting Mind

KATIE YOUNG IS TEACHING SOCIAL AND ECONOMIC JUSTICE FROM A GLOBAL PERSPECTIVE

What does the law say about the rights of people living in poverty, deprived of adequate housing, education, and healthcare? Newly appointed Associate Professor Katharine Young asks big questions and seeks global answers. Her recent book, *Constituting*

Economic and Social Rights (Oxford University Press, 2012) draws on examples from South Africa, India, Colombia, Germany, Ghana, the US, and the UK to compare different jurisdictions’ approaches to protecting economic and social rights.

With professional experience in Aus-

tralia, America, and the United Nations legal system, Young brings a similarly broad comparative view to her classes on Contracts and Human Rights and Global Poverty at BC Law. Her followers on the academic research-sharing website www.academia.edu span the globe, from

Cambridge, Massachusetts, to Tamil Nadu and Indonesia. Internationalism has infused Young's legal thinking ever since she spent a year at the University of Heidelberg, the oldest law school in Germany, while still a student at Melbourne Law School, in Melbourne, Australia.

Taking classes in German on the German Civil Code and European and international environmental law, Young mastered a highly specialized legal vocabulary, but was at a loss for basic conversational gambits. The experience gave her a lasting sympathy with her students for whom English is not their first language. "I completely identify with what they're going through, which is that extra mile you have to go to actually understand what's being said, and to participate," she says, in a soft Australian accent.

As the top graduate in her law school class, Young could have taken any direction after graduation. She clerked for the Hon. Justice Michael Kirby at the High Court of Australia, equivalent to the US Supreme Court. The clerkship proved to be a master class in comparative legal scholarship, as Kirby, whom Young describes as "brilliant, fearless, and very inspiring," would always take the broadest possible view of cases before the court, consulting case law worldwide. While her fellow clerks in the courtroom would typically keep a few British, Australian, and American law books for their judges to refer to, as Kirby's aide Young's shelf was "piled with cases from India, South Africa, Canada, incredibly varied sources."

While a graduate student at Harvard, Young met another influential mentor, the Indian economist and Nobel laureate Amartya Sen. As a research fellow at Harvard's Project on Justice, Welfare, and Economics, chaired by Sen, Young had the chance to present her work in progress on economic and social rights. "It was amazing to be taken so seriously by someone so brilliant and intellectually generous," says Young.

Harvard also opened new international doors for Young. While studying for her LL.M. and then her doctorate, she worked on a Right to Health Campaign in Ghana, through the Legal Resources Center, a legal aid organization based in a slum area of Accra. In a series of visits that spanned several years, as one of a team of international

and Ghanaian human rights lawyers, Young helped tackle issues arising from Ghana's user fee healthcare model. Public hospitals would treat impoverished patients in emergency situations, then detain them if they were unable to pay.

"We had to be very careful that we didn't do more harm than good, and just impose our Western conception of *habeas corpus* at all costs," says Young. Preparation for her first visit to Ghana as a master's student included a semester long immersion in African literature and film, to allow students to reflect on the cultural and political context in which they would be working. That deepening of her ability to "think comparatively and internationally" is a lesson Young has passed on to her own students on two continents, and now brings to BC Law.

Young is married to Romanian-born Vlad F. Perju, associate professor of law at BC Law and director of the Clough Center for the Study of Constitutional Democracy. Do they talk law over dinner? "I don't think an unhealthy amount," says Young, laughing. Since the birth of their daughter in 2012 they have no shortage of other subjects for conversation.

—Jane Whitehead

VITAL STATISTICS

■ **Learning:** Melbourne, Heidelberg, Harvard

■ **Teaching:** Boston University School of Law, Australian National University College of Law, Harvard Law

■ **Researching:** Economic and social rights, comparative constitutional law, international human rights law

■ **Publishing:** *Constituting Economic and Social Rights* (Oxford University Press, 2012)

■ **Presenting:** (In 2013) International Project on Social and Economic Rights; American Society of International Law; Harvard Human Rights Journal Colloquium; Radcliffe Academic Venture; World Bank; University of Finland; Boston University

■ **Excelling:** World Cup Champion, Jessup International Moot Court Competition, Washington, DC, 2000, as First Oralist for University of Melbourne team

Public Service Fellows

NEW PROGRAM HONORS,
GUIDES STUDENTS COMMITTED
TO PUBLIC INTEREST

Boston College Law School has launched a program to encourage, guide, and recognize students who are committed to a legal career in public service. The Public Interest Designation Program (PIDP) provides a comprehensive academic and experiential curriculum to prepare students for a career in public service immediately upon graduation.

The PIDP was established in large part through the efforts of a group of twenty-five students in the BC Law class of 2013. This group worked closely with Associate Director of Public Interest Programs Kate Devlin Joyce with the initial goal of creating a special recognition for all those students who have demonstrated an extraordinary commitment to a public service curriculum. Although PIDP officially launched in the fall of 2013, the twenty-five students who helped create the program were honored by Dean Vincent Rougeau at graduation as the inaugural class and given the title of Public Service Fellows.

Incoming and current students will have to complete five components to be named fellows. First, there is a substantial in-class requirement: Students must complete fifteen hours of public interest coursework, compiled from a list of classes applicable to public service, such as Environmental or Labor Law. Second, on the experiential side, students need to complete a clinic, an independent study with corresponding pro bono placement, or a semester-in-practice at a public interest placement. Students must also spend at least one summer interning with a public sector employer (judicial internships do not count), and complete BC Law's fifty-hour pro bono program. Finally, each student must mentor an incoming 1L who is also interested in public service.

The program has been structured so both current rising 2Ls and 3Ls will be able to participate.

Publications

Edited by Deborah J. Wakefield

HUGH J. AULT

Professor Emeritus

"Dispute Resolution: The Mutual Agreement Procedure." In *United Nations Handbook on Selected Issues in Administration of Double Tax Treaties for Developing Countries*, Alexander Trepelkov, Harry Tonino, and Dominika Halka, eds., 309–340. New York, NY: United Nations, 2013. "Some Reflections on the OECD and the Sources of International Tax Principles." *Tax Notes International* 70, no. 12 (2013): 1195–1201.

R. MICHAEL CASSIDY

Professor

Prosecutorial Ethics: Teacher's Manual. St. Paul, MN: West, 2013. With Carol Beck et al. *Report of the Standing Advisory Committee on the Rules of Professional Conduct*. Massachusetts Supreme Judicial Court, July 1, 2013. "Strategic Austerity: How Some Law School Affordability Initiatives Could Actually Improve Learning Outcomes." *Chapman Law Review* 17, no. 1 (2013): 119.

MARY ANN CHIRBA

Professor of Legal Reasoning, Research, and Writing

With Alice A. Noble and Michael M. Maddigan. *Health Care Reform: Law and Practice*. New Providence, NJ: LexisNexis, 2013.

BRIAN D. GALLE

Associate Professor

"Charities in Politics: A Reappraisal." *William and Mary Law Review* 54, no. 5 (2013): 1561–1632. "The Effect of National Revenues on Sub-National Revenues." *International Review of Law and Economics* 37 (2013): 147–155. "Social Enterprise: Who Needs It?" *Boston College Law Review* 55, no. 5 (2013): 2025–2046.

FRANK J. GARCIA

Professor and Associate Dean for Global Initiatives

Global Justice and International Economic Law: Three Takes. New York, NY: Cambridge University Press, 2013. With Lindita V. Ciko. "Theories of Justice and International Eco-

nomie Law." In *Research Handbook on Global Justice and International Economic Law*, John Linarelli, ed. Cheltenham, UK: Edward Elgar, 2013.

KENT GREENFIELD

Professor

"The Progressive Possibility of Corporate Law." *Australian Journal of Corporate Law* 28, no. 3 (2013): 3–15.

DANIEL KANSTROOM

Professor and Director of the International Human Rights Program

With Cecilia Menjivar. *Constructing "Illegality": Immigrant Experiences, Critiques, and Resistance*. New York, NY: Cambridge University Press, 2013.

DANIEL A. LYONS

Assistant Professor

"Internet Policy's Next Frontier: Data Caps, Tiered Service Plans, and Usage-Based Broadband Pricing." *Federal Communications Law Journal* 66, no. 1 (2013): 1–45.

JOSEPH P. LIU

Professor and Associate Dean of Faculty

"The New Public Domain." *University of Illinois Law Review* 2013, no. 4 (2013): 1395–1456.

RAY D. MADOFF

Professor

"The Perverse History of Dead Bodies under American Law." In *The Global Body Market: Altruism's Limits*, Michele Bratcher Goodwin, ed. New York, NY: Cambridge University Press, 2013.

JUDITH A. MCMORROW

Professor

"Law and Lawyers in the US: The Hero-Villain Dichotomy." In *Perspectives on American Law*, Glenn Shive, Paul Levine, and Dan Guttman, eds. Beijing: Peking University Press, 2013, 17–26.

ALICE A. NOBLE

Adjunct Faculty

With Mary Ann Chirba and Michael M. Maddigan. *Health Care Reform: Law and Practice*. New Providence, NJ: LexisNexis, 2013.

MARY-ROSE PAPANDREA

Professor

"Social Media, Teachers, and the First Amendment." In *First Amendment Law Handbook*, 2012/2013, Rodney A. Smolla, ed. New York, NY: West, 2013.

ZYGMUNT J. B. PLATER

Professor

"A Jeffersonian Challenge from Tennessee: The Notorious Case of the Endangered 'Snail Darter' Versus TVA's Tellico Dam—And Where Was the Fourth Estate, the Press?" *Tennessee Law Review* 80, no. 3 (2013): 501–542.

BRIAN JM QUINN

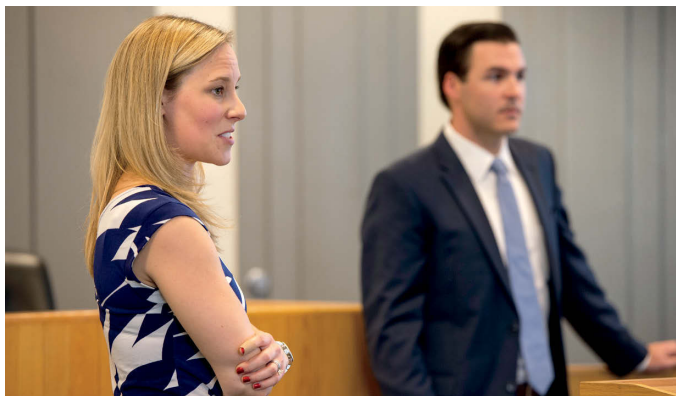
Associate Professor

"Arbitration and the Future of Delaware's Corporate Law Franchise." *Cardozo Journal of Conflict Resolution* 14, no. 2 (2013). "Bulletproof: Mandatory Rules for Deal Protections." In *Law and Economics of Mergers and Acquisitions*, Steven M. Davidoff and Claire A. Hill, eds. Northampton, MA: Edward Elgar Publishing, 2013. *Corporations: An Open Source Casebook*. Published on Harvard's H2O platform, <http://h2o.law.harvard.edu/>, 2013. "Omnicare: Coercion and the New Unocal Standard." *Journal of Corporation Law* 38 (2013): 835–864.

JAMES R. REPETTI

William J. Kenealy, SJ, Professor of Law

"Occupy the Tax Code: Using the Estate Tax to Reduce Inequality." *Pepperdine Law Review* (2013).



CHRISTOPHER SOLT, MTS, BC

DUELING DUO

Husband and wife Celeste Laramie '11 and Nathaniel Burris '11 returned to campus last fall to duke it out in a classroom simulation of how attorneys develop the theory of a case. Professor Paul McManus split the Criminal Justice Clinic class into two groups: one helped Laramie, a public defender, develop a narrative and closing argument for the defense; the other did the same with Burris, an assistant district attorney, for the prosecution. The students were then treated to closing arguments by Laramie and Burris.

DIANE M. RING

Professor

"Exchange of Information." In *United Nations Handbook on Selected Issues in Administration of Tax Treaties for Developing Countries*, Alexander Trepelkov, Harry Tonino, and Dominika Halka, eds., 341–382. New York, NY: United Nations, 2013.

"International Dynamics of International Tax Relations." In *Beyond Economic Efficiency in United States Tax Law*, David A. Brennan, Karen B. Brown, and Daryll Jones, eds. New York, NY: Aspen Publishers, 2013.

FRANCINE T. SHERMAN

Associate Clinical Professor and Director of the Juvenile Rights Advocacy Project

"Justice for Girls: Are We Making Progress?" *ABA Criminal Justice Magazine* 28, no. 2 (2013): 9–17. *Know the Law*. National Girls Institute, <http://www.nationalgirlsinitiative.org/i-want-to-know-more/policy/>, 2013.

PAUL R. TREMBLAY

Clinical Professor and Director of Experiential Learning

With Alicia Alvarez. *Introduction to Transactional Lawyering Practice*. St. Paul, MN: West Law School Publishing, 2013.

DAVID A. WIRTH

Professor

"Engineering the Climate: Geoenvironmenting as a Challenge to International Governance." *Boston College Environmental Affairs Law Review* 40, no. 2 (2013): 413–437. "The World Trade Organization Dispute Concerning Genetically Modified Organisms: Precaution Meets International Trade Law." *Vermont Law Review* 37 (2013): 1152–1188.

KATHARINE G. YOUNG

Associate Professor

With Julieta Lemaitre. "The Comparative Fortunes of the Right to Health: Two Tales of Justiciability in Colombia and South Africa." *Harvard Human Rights Journal* 26, no. 1 (2013): 179–216.

THREE TOP SCHOLARS TO JOIN BC LAW FACULTY

BC Law welcomes three new chaired faculty next fall. "We are tremendously excited about the addition of these extremely accomplished and influential scholars to our faculty," said Dean Vincent Rougeau. "These hires represent our ongoing commitment to the role of innovative research in legal education, and we look forward to their contributions to our faculty tradition of excellence in scholarship, research, and public service."

Patricia A. McCoy

An expert on financial regulation and risk management who recently helped form the Consumer Financial Protection Bureau (CFPB) at the US Department of the Treasury, Patricia McCoy will join BC Law this summer as the inaugural Liberty Mutual Insurance Professor, a chair endowed by the Liberty Mutual Group.

McCoy comes to BC Law from the University of Connecticut, where she is the Connecticut Mutual Professor of Law and Director of the Insurance Law Center. Her research and teaching interests focus on the nexus among financial products, consumer welfare, and systemic risk, analyzed through the lens of law, economics, and empirical methods. In *A Tale of Three Markets: The Law and*



McCoy

Economics of Predatory Lending, 80 Tex. L. Rev. 1255 (2002), McCoy and her longtime coauthor, Kathleen Engel, were among the first to raise alarms about the dangers of subprime loans. While McCoy was at Treasury, Elizabeth Warren appointed her to be the first Assistant Director for Mortgage Markets, where she oversaw all of the CFPB's mortgage policy initiatives.

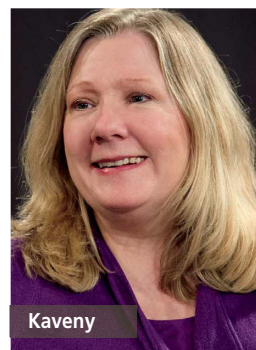
McCoy received her BA from Oberlin College, her JD from the University of California at Berkeley, and she clerked for the late Judge Robert S. Vance of the United States Court of Appeals for the Eleventh Circuit. She has lectured around the world, including in Russia, Eastern Europe, Africa, South America, and China.

M. Cathleen Kaveny

M. Cathleen Kaveny, a professor renowned for her scholarship on the relationship of law and morality, has been named to an endowed chair at Boston College with appointments in law and theology.

At BC Law, Kaveny will teach contracts and an elective in her specialty area. Her seminars explore how theology, philosophy, and law relate to each other. *Law's Virtues: Fostering Autonomy and Solidarity in American Society*, published by Georgetown University Press, is her newest book.

She has also published about a hundred



Kaveny

articles and essays in journals and books specializing in law, ethics, and medical ethics as well as more popular venues such as *America and Commonweal*, where she appears on the masthead as a regular columnist. She has served on a number of editorial boards.

At Notre Dame Law School, Kaveny was the John P. Murphy Foundation Professor of Law before departing for BC. She earned her AB summa cum laude from Princeton University and holds her MA, MPhil, JD, and PhD degrees from Yale University. Kaveny also clerked for the Honorable John T. Noonan Jr. of the US Court of Appeals for the Ninth Circuit.

Natalya Shnitser

Natalya Shnitser will join BC Law next fall as the inaugural David and Pamela Donohue Assistant Professor in business law. Her current scholarship is especially timely, focusing as it does on public pensions and retirement security in the US.

Shnitser's primary teaching and research interests are in business associations; wills, trusts, and estates; securities regulation, and federal income taxation; in addition to pensions and employee benefits.

She comes to Newton from Yale Law School, where she earned her JD and, since 2011, has been an associate research scholar in law, lecturer in law, and John R. Raben/Sullivan & Cromwell Executive Director of the Center for the Study of Corporate Law. Editor-in-chief of the *Yale*



Shnitser

Journal of Regulation and online editor of the *Yale Law Journal* while in law school, she has subsequently published in the *New York Law Journal*, among others. Shnitser is a Phi Beta Kappa graduate of Stanford University, where she received her bachelor's and master's degrees.

On-Campus ‘Law Firm’ to Open

HANDS-ON LEARNING CENTER WILL BRING CLINICS UNDER ONE ROOF

In September, Boston College Law School will open the Center for Experiential Learning on the Newton campus that will function as a kind of on-campus law firm. The new center will provide a home for all in-house clinics; trial advocacy, semester in practice, and short-term externship programs; and is part of a comprehensive long-term vision for the support and expansion of BC Law’s experiential learning efforts.

“Experiential learning is an essential part of providing the very best legal education for our students and complements the high quality academic preparation our students receive,” said Dean Vincent Rougeau. “With the creation of a Faculty Director for Experiential Learning position and the appointment of Paul Tremblay, we began a comprehensive plan to bring our various efforts under one roof. This is the next step in that plan. I’d like to thank Paul and the clinical faculty for their hard work and support. We are determined to provide significant hands-on learning opportunities for our students in the years to come, with the ultimate goal of having all of our students participate in some form of experiential learning before they graduate.”

The center will initially be housed in the Law School’s Smith Wing and serve as the primary site for BC Law’s in-house clinics, including the Civil Litigation Clinic, the Community Enterprise Clinic, the Housing Law Clinic, the Immigration Clinic, the Juvenile Rights Advocacy Clinic, the BC Defenders, and the BC Innocence Project. Several of

those clinics will operate as a single law firm and share student workspace, support staff, resources, and technology. The Smith Wing will be reconfigured to contain a client waiting area, interview and conference rooms, student work space, and faculty and support staff offices. Also housed in the center will be external initiatives such as the Attorney General Clinic, Semester in Practice, and externships.

Importantly, the Law School will maintain existing partnerships and establish new community outreach efforts for clients who cannot travel to Newton Center. “We are

very excited about the synergies that will come from bringing everyone under one roof,” said Paul Tremblay, faculty director of experiential learning. “We’re also very committed to maintaining our ties to the local community. We’ve built strong connections during our forty-five years in Waltham, and we’re focused on continuing to serve that area and an even wider community around Boston. This move will allow us to maximize resources and expand our services to a larger client base.”

The other potential benefits of the center are very exciting,

Tremblay said. “Clinical faculty can now work side-by-side, with many opportunities for shared teaching and lawyering across courses,” he said. “Clinics will have a fully functioning law firm with the necessary support and infrastructure. Students will have the ability to move seamlessly from classroom work to clinic work, and the new space will encourage non-clinic faculty members to learn about, and we hope to participate in, the work of the clinics. We can also expand the pilot program currently in place in which clinics share the expertise of the Law School’s social worker.”

JUDGE LIPEZ’S ELEVEN QUALITIES OF A GREAT BRIEF

The Honorable Kermit V. Lipez of the US Court of Appeals for the First Circuit shared with students the qualities they must possess if their brief is to pass muster with judges like him. “We are predisposed to be engaged by your brief and you should not waste this opportunity,” he said during Professor Laura Murray-Tjan’s Federal Appeals Seminar in September. “What I do is a privilege. I enjoy it. Every time I open a brief I do so with a sense of expectation. It’s a story in brief, a new way to approach the law.”

1

Paranoia: Any mistakes you make preparing—in citations, in the description of the impact of the case—will be detected. Law clerks take nothing on faith.

2

Obsessiveness: There’s no problem if this is channeled properly into punctuation, grammar, spelling. Care about it because these kinds of mistakes suggest carelessness (about larger issues). It will impair our confidence.

3

Organization: This can’t be emphasized enough. Do what your old-fashioned English teacher taught you about preparing an outline. You can focus on content and rhetoric if you have an outline.

4

Creativity: If you can find an unusual way to engage the court at the beginning of the brief, it will serve you well. But you have to be careful. There are plenty of examples of “erudition run amok.”

5

Moderation: Litigation is not a contact sport. There is no place for sarcasm, harsh invective, disparagement. It detracts from professionalism.

6

Realism: This is particularly important for appellate work. You waste time if you reject decades of precedents.

7

Nimbleness: To respond adroitly is very important for the appellee. Move beyond arguments of the appellant, which is helpful if you’re trying to retain the decision below. Lead with your best argument.

8

Concision: There is so much reading we have to do. Strive to make arguments in as short a space as possible. It seems to be a compulsion to go to the maximum. You don’t have to use all fifty pages.

9

Currentness: Keep up with cases. Use the most current law on issues in the case.

10

Opportunistic: Why would you ever not write a reply brief? You can enhance your persuasiveness. Never give up an opportunity to persuade the court.

11

Honesty: Always, be scrupulously honest with the recitation of facts. If you exaggerate or misrepresent the facts, we will know it and hold you accountable. It can destroy your credibility.

[ESQUIRE]

ALUMNI NEWS & CLASS NOTES

Inaugural Dean's Scholars
Madeline Niemi
and Robert Rossi



DANA SMITH

Rewarding Merit

NEW DEAN'S SCHOLARS PROGRAM ATTRACTS TOP STUDENTS

The Law School has launched an initiative to complement its institutional commitment to need-based financial aid. The Dean's Scholars Program, which welcomed its first two recipients this September, offers full-tuition, merit-based aid to outstanding applicants.

One of them, Madeline Niemi '16, a 2011 graduate of Middlebury College who majored in economics and minored in music and philosophy, credits the influence of her grandfather, a career naval officer, with her strong interest in public interest work. "Ever since I was little, I've known that my grandfather spent his entire life in public service," Niemi said. "I've been trying to figure out how to do that in my own way."

The Dean's Scholars Program played an instrumental role in providing Niemi

the peace of mind to pursue her passion in criminal law. "I want to be a prosecutor. It's a job that would allow me to do something meaningful and make my community a better place, but I knew I wouldn't get paid a lot of money," Niemi said. "Even though I understood that law school was going to be tough in a lot of ways, when I thought about the debt, it just seemed so daunting. This scholarship is probably the best thing I have ever received."

"At BC Law, the quest for academic excellence is informed by our mission to educate lawyers dedicated to the Ignatian ideals of justice and service," said Dean Vincent Rougeau. "The Dean's Scholars Program gives us an important tool to encourage that special kind of person to choose BC Law."

The Dean's Scholars Program was

established with inaugural gifts from James Champy '68, David Donohue '71, and Michael Puzo '77.

Donohue, a longtime benefactor of the school and member of its Dean's Advisory Board, believes the program will play an important role in attracting top students to BC Law. "My wife, Pamela, and I wanted to encourage the very best young minds to come to what I believe is the very best law school in the country," Donohue said.

The second inaugural recipient, Robert Rossi '16, a 2013 graduate of Boston College in finance and marketing, was inspired to pursue law school by his father, who is also a lawyer.

"Being around lawyers has always been a part of my life, and I'm excited to discover what opportunities are out there," Rossi said. "There are so many intelligent people in my class and so many more who have graduated from BC Law. I'm just trying to make the most of this incredible opportunity."

—Steven Chen '13

‘Light the World’ Campaign

LAW SCHOOL DOUBLES EFFORTS TO GARNER SUPPORT FOR VITAL PROGRAMS

Boston College Law School’s “Light the World” capital campaign is making significant headway toward meeting its \$50 million goal by 2015. Part of a \$1.5 billion University effort, the campaign at BC Law is providing valuable resources for strategic priorities such as scholarships, academic programs, endowed chairs, as well as public interest, experiential, and global learning initiatives.

Dean Vincent Rougeau, who assumed leadership of the Law School at a time of unprecedented change in legal education, expressed gratitude to everyone who has made gifts during the campaign. “We are in the vanguard of educational innovation and we are committed to innovations in our curriculum to respond to the changing marketplace,” he said. “We need assistance from our alumni and friends to stay there.”

As a University trustee and member of Dean Rougeau’s advisory board, David Weinstein ’75 has a unique perspective on the campaign’s role in the Law School’s future. “To sustain our excellence and grow beyond where we are now, we have to have the certainty of long-term financial resources we can count on,” he said. “The University provides a portion of our total revenues. I look at the campaign, from the Law School point of view, as an opportunity to show the rest of the University we can raise money and support our mission.”

When “Light the World” launched in 2008, the Law School committed itself to expanding support in four major categories: faculty, students, programs, and facilities. And while core priorities have remained consistent during the intervening years, the recession, globalization, hiring trends, and stronger demand for practice-ready graduates have required some nuanced shifts in how campaign funds will be deployed.

For example, the initial resolve to add ten new faculty is now refocused on efforts to increase the number of endowed chairs, a strategy that retains BC Law’s commitment to attracting and retaining the best faculty, explained Jessica Cashdan, executive director of advancement and associate dean. “Looking ahead, we will seek to endow chairs primarily for existing faculty

rather than committing to expand the number of faculty.”

“Light the World” is also focused on providing more financial aid overall as well as special funding beyond traditional need-based tuition relief. This includes resources for public interest funding and the new Dean’s Scholars Program (see page 39).

These initiatives complement BC Law’s longstanding commitment to need-based scholarships, which still represent the vast majority of student aid. Robert D. Keefe ’72 is among those making it possible for applicants without the financial means to attend BC Law. He has steadily built his Francis, Josephine B., and Robert D. Keefe Scholarship Fund. “I’m a firm believer that each new generation is bigger, stronger, and smarter than the previous generation. I want to make sure that I’m regularly providing for those future generations. I stretch to do what I can,” he said.

On the academic programming front, there is exciting news regarding centers of excellence. In September, the Center for Experiential Learning will open at the Law School, bringing all experiential learning endeavors under one roof (see page 38). “As essential as the center is to the professional readiness of BC Law graduates, it requires a new level of commitment from supporters because experiential training is more expensive than conventional podium courses,” said Dean Rougeau. “It is also a capital project the Law School must undertake to adapt physically to the curricular and programmatic needs of our times.”

Dean’s Advisory Board member Jeanne Picerne ’92, who established The Jeanne and Ronald Picerne Family Boston College Law School Scholarship Fund, said “Light the World” enables the Law School to remain responsive in times of rapid progress. “People may not realize how much law schools have changed, how diverse clinical programs have to be, what it takes to stay high in the *US News & World Report* rankings, how much effort goes into creating a diverse student body. It’s a lot,” she said. “But if we all participate, our goals can be easily achieved.”

—Vicki Sanders



CASE HISTORY

■ **Provenance:** Peabody, MA

■ **Diplomas:** Dartmouth College, BC Law

■ **At Home:** Lives two blocks from BC Law with her husband of twenty-two years, Mark Vasu, and their two teen sons

■ **Energy Level:** Ran the New York City Marathon in 1987; hits the gym daily at 5:30 a.m.

■ **Smart Move:** Interned one summer in Washington, DC, for US Senator Edward “Ted” Kennedy

■ **Mentor:** Her grandmother. “She was extremely bright, but as an orphan in Lawrence, she didn’t have the opportunity to get a formal education. She became a self-taught, lifelong learner, who always appreciated family and was always up for anything.”

JARED CHARNEY

Susan Finegan

Driven to Serve

SUSAN FINEGAN MARSHALS THE MIGHTY POWER OF MINTZ LEVIN
TO PROVIDE HOPE FOR THE VICTIMIZED AND DOWNTRODDEN

For someone devoted to the Jesuit tradition of doing for others, Susan M. Finegan '91 may have the best job in the legal profession. "I really feel I do," says Finegan, who, since 2007, has served as the first full-time pro bono partner at Boston firm Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo.

With Finegan at the helm, about 400 Mintz Levin attorneys and legal staff each year take on a wide range of pro bono efforts. For example, the firm is assisting victims of the Boston Marathon bombings; landed a \$132 million settlement from the federal government for 7,000 victims of Hurricane Katrina; and is particularly known for its focus on reducing domestic violence and sexual assault through representing individuals, advising nonprofits, filing appellate briefs, and promoting legislation. Several years ago, Finegan led a team that got a law passed in Massachusetts to expand protections for victims of stalking and harassment. "That day when I left the bill signing, I was walking back to my office and said to myself, *'That's why I became a lawyer.'*" recalls Finegan.

Finegan's office wall can barely hold all the plaques the firm has received since she began directing its pro bono efforts, including, in 2010, the prestigious ABA Pro Bono Publico Award. Since May of this year alone, she's garnered four major awards for her pro bono work and support of women's advancement in the profession, including a Lelia J. Robinson Award from the Women's Bar Association of Massachusetts, and the International Bar Association (IBA) Pro Bono award. She also holds BC Law's 2011 Curtin Center for Public Interest Pro Bono Service Award.

"Basically, she is the whirling dervish of pro bono; she is everywhere," says Justice Ralph D. Gants of the Massachusetts Supreme Judicial Court, who serves with Finegan on the Massachusetts Access to Justice Commission. Finegan and Gants helped create the Access to Justice Fellows program to enlist prominent, retired lawyers to donate free legal services to people in need. "She figured out how it could

be done and then she started it—and it's already changing the way senior lawyers view retirement, which is what we hoped it would do," says Gants.

"She's just a terrific, warm, caring, and organized helper," says Malcolm Astley of Wayland, who launched the Lauren Dunne Astley Memorial Fund in honor of his teen daughter, who was murdered in 2011 by her former boyfriend. Finegan spearheads the firm's work for the fund, including drafting legislation to support educational programs to reduce teen relationship violence. "What Susan and Mintz are doing gives you hope in the world, that incredible, powerful, knowledgeable forces can come together to work on good things," Astley says.

Finegan credits BC Law's commitment to social justice as a major influence. While a student in Professor Daniel Kanstroom's newly minted immigration course twenty-five years ago, she represented low-income clients in political asylum cases; from that point, she was hooked on pro bono. At law school, she also launched a program for law students to mentor kids in Dorchester and started a fundraising organization to fight homelessness.

After two judicial clerkships, Finegan joined Mintz Levin in 1993 because of its emphasis on pro bono work. In her first week, she took on political asylum cases, and a few years later began directing the firm's domestic violence project, which has assisted more than 750 victims since 1989. With a wide-ranging civil practice, Finegan made partner at Mintz in 1999, but left in 2004 to become legal director of the Victim Rights Law Center. Three years later, the firm enticed her back by creating the pro bono partner position for her.

"It wasn't a position that was around when I graduated from law school, and it wasn't something I'd even conceived of," she says, "so I feel very fortunate."

To see a video of Finegan discussing pro bono work at Mintz Levin, go to www.mintz.com/professionals/detail/name/susan-m-finegan.

—Elaine McArdle



REUNION WEEKEND 2013



A Time for Laughter and Reminiscences



SAVE THE DATE
Reunion 2014, Oct. 25

Classes 1964, 1969, 1974,
1979, 1984, 1989, 1994,
1999, 2004, and 2009
MORE INFO: [www.bc.edu/
lawalumni](http://www.bc.edu/lawalumni)

**SEE ADDITIONAL PHOTOS
AND VIDEO:** [www.bc.edu/
lawreunion](http://www.bc.edu/lawreunion)



MORE THAN 450 alumni and guests attended Reunion Weekend 2013 November 1–3 on campus and at the Ritz-Carlton in Boston. Leading all reunion classes in participation at press time was the Class of 1963, with 43 percent. Nearly eighty members of the Class of 2008 had made participatory gifts, and the Class of 1983 had raised the most funding, with over \$265,000. The Classes of 1968 and 1978 were not far behind. The final Honor Roll of Donors will be published in the Spring/Summer 2014 issue of *BC Law Magazine*. The Alumni Assembly and Reunion Luncheon featured Mary McAleese, former president of Ireland, as the keynote speaker. At the Alumni Board meeting, new officers were

announced: Barbara Cusumano '08 (President); Kevin Curtin '88 (President-Elect); Tom Burton '96 (Vice President); Earl Adams Jr. '02 (Secretary); and Ingrid Chiemi Schroffner '95 (Treasurer). Chris Dillon '88 is the Immediate Past President. New board members and their specialty areas were also named: Jennifer Kent '13 (Affinity Groups); Christopher Morrison '01 (Alumni Programs); and Kelly Reardon '09 (Student Programs). The other current members are the Hon. Denis P. Cohen '76 (Communications); Robert M. McGill '05 (Advocacy Programs); Margie Palladino '85 (Reunion and Classes); Steven Riden '99 (Career Services); Pat Rocha '82 (Regional Chapters); Joseph M. Vanek '87 (Annual Giving); and Geoffrey G. Why '98 (Admissions).

AT THE FRIDAY EVENTS: (Photos IDs are left to right) 1) Thom Patrick '16, Jodie Pullen Williams '83. 2) Warren Ernst '83. **AT THE LUNCHEON:** 3) Hon. Kenneth McLaughlin. **AT THE REUNION DINNER:** 4) Sally McCarthy, Suzanne Cerra '93, Amy Kanyuk '93. 5) The Class of 1978. 6) Steven Van Dyke '08, Professor Sharon Beckman, John Luniewicz, Sarah Kogel-Smucker '08. **AT THE DEAN'S COUNCIL RECEPTION:** 7) Elizabeth Fee, Michael K. Fee '84, Professor Robert Bloom '71, Richard Lara '93, Geri DeLuca, Len DeLuca '77. 8) Raymond F. Murphy Jr. '61, Pamalee Murphy. 9) Deborah Goldberg '83, Dean Vincent Rougeau, Michael Winter. **AT THE ALUMNI ASSEMBLY:** 10) Hon. Denis P. Cohen '76, foreground, photographs fellow assembly attendees.



BC Law Generations



R. ROBERT POPEO '61, CENTER, FLANKED BY
SONS PAUL D. POPEO '94, LEFT, AND R. ROBERT POPEO JR. '98.

Class Notes

Compiled and Edited by Deborah J. Wakefield

We gladly publish alumni news. Send submissions to BC Law Magazine, 885 Centre St., Newton, MA 02459-1163, or email to sandervi@bc.edu.

1960s [REUNION '64 & '69]

Francis M. O'Boy '64, of the Law Offices of Francis M. O'Boy in Taunton, MA, won a million-dollar jury verdict on behalf of his client in a felony larceny case involving the North Attleboro (MA) Electric Department.

Judith Olans Brown '65 was one of two recipients of the 2013 Lelia J. Robinson Award presented by the Women's Bar Association of Massachusetts. Since her retirement from Northeastern Law School in 2001, she has continued in academia, teaching constitutional law classes in the continuing education programs at Dartmouth College and the University of Arizona.

Leo P. Carroll '69 was elected vice chairman of the Board of Directors of CATIC Financial in Rocky Hill, CT. He is a partner at Carroll, Curseaden & Moore LLC in Milford, CT, and practices in the areas of real estate, land use and zoning, finance, corporate and business matters, and estate planning and probate.

Jeffrey M. Siger '69 is the author of *Mykonos After Midnight*, the fifth mystery-thriller in his Chief Inspector Andreas Kaldis series, published by Poisoned Pen Press in September.

1970s [REUNION '74 & '79]

David A. T. Donohue '71, founder and president of International Human Resources Development Corporation, and his wife, Pamela, were the honorees at All the Way Home: An Eve-

ning to Benefit St. Francis House for their long-standing generosity to the program, as well as their work on behalf of many non-profits and cultural institutions in Greater Boston.

William F. Dowling '73, president and chief executive officer of the New Britain Rock Cats, was named "Sports Lawyer of the Year" for 2013 by the Connecticut Bar Association Sports and Entertainment Law Section. He is of counsel at Wachtel Missry LLP in New York, NY, and specializes in sports law and civil and criminal litigation.

Steven J. J. Weisman '73, founder of the Law Office of J. J. Weisman in Cambridge, MA, is the 2013 recipient of the Gregory H. Adamian Award for Excellence in Teaching presented by Bentley University in Waltham, MA, where he is a senior lecturer in the Department of Law, Taxation, and Financial Planning.

Thomas E. Peisch '74 was named "Defense Lawyer of the Year" for 2013 by the Massachusetts Defense Lawyers Association. He is a partner at Conn, Kavanaugh, Rosenthal, Peisch & Ford LLP in Boston.

Hon. Elizabeth Butler '75 was named a "Top Women of Law" honoree for 2013 by *Massachusetts Lawyers Weekly*. She is retired as a Massachusetts Superior Court judge and works in the Boston office of JAMS resolving disputes as a neutral.

Seth H. Langson '76 recently published an article on fighting sex abuse in *Trial Briefs*, the quarterly publication of the North Carolina Advocates for Justice. He is an attorney at Karro, Sellers & Langson in Charlotte, NC, and focuses his practice exclusively on representing victims of sex abuse.

Lise J. Gescheidt '77 was named one of six recipients of the 2013 Neil J. Houston Jr. Memorial Award by Justice Assistance. She is in private practice in Providence, RI, and specializes in criminal defense, parole, and selected areas of family court and civil litigation.

Hon. Margaret R. Hinkle '77 was named a "Top Women of Law" honoree for 2013 by *Massachusetts Lawyers Weekly*. Retired as the administrative justice of the Business Litigation Section of the Massachusetts Superior Court, she works in the Boston office of JAMS resolving disputes as a neutral.

Therese D. Pritchard '78 has been named as the next Chair of the international law firm Bryan Cave LLP beginning on October 1, 2014 following a planned transition period. She immediately took the title of Chair-Elect. Pritchard will be the first woman to hold the position in Bryan Cave's 140-year history.

1980s [REUNION '84 & '89]

Peter C. K. Fong '80 was reappointed per diem judge of the District Court and the District Family Court of the First Circuit by Hawaii Chief Justice Mark E. Recktenwald.

Hon. Robert N. Scola Jr. '80, a judge on the United States District Court for the Southern District of Florida, received the Jurist of the Year Award from the Florida Chapter of the American Board of Trial Advocates in July.

Juliane Balliro '81, a partner in the Boston office of Nelson Mullins Riley & Scarborough LLP, was named a "Top Women of Law" honoree for 2013 by *Massachusetts Lawyers Weekly*.

Richard K. Sherwin '81 was awarded a 2014 Fulbright scholarship to serve as the Fulbright Visiting Research Chair in Law and Literature at McGill University's Institute for the Public Life of Arts and Ideas in Montreal, Quebec, Canada. A professor and the director of the Visual Persuasion Project at New York Law School in New York, NY, he co-edited *Law, Culture, and Visual Studies* published by Springer in July.

Lisa DiLuna '82, the former BC Law School Dean for Students, was honored in November with the Middlesex County Bar Association's Lifetime Achievement Award. **Philip Privitera '95**, president of the association, made the presentation. **Pamela B. Lyons '95** and **Sarah Elisabeth Curi '95** helped to organize the event.

Kurt B. Gerstner '82 is the author of an article entitled "Jury Focus Groups without Breaking the Bank: Alternatives to Jury Consultants" published by the International Association of Defense Counsel. He is a partner in the Boston office of Campbell Campbell Edwards & Conroy PC.

Daniel R. Gordon '82 retired after twenty-eight years as a professor at St. Thomas University School of Law in Miami Gardens, FL.

Ellen Krug '82 is the first executive director of Call for Justice LLC in Minneapolis, MN. The nonprofit organization works to increase access to the civil legal system and published "Training on Legal Resources and Referrals: A Report on an Innovative Collaboration between Call for Justice and United Way 2-1-1" in August.

David P. Rosenblatt '82, managing partner in the Boston office of Burns & Levinson LLP, was elected a fellow of the College of Law Practice Management.

IN MEMORIAM

His Moral Compass Never Failed Him

JACK CURTIN'S LEGACY LIVES ON AT BC LAW

Michael F. Coyne '83 is senior executive vice president and general counsel for Union Bank and its holding company, UnionBanCal Corporation. Based in San Francisco, he serves on the Americas Holdings Executive Committee of the Bank of Tokyo-Mitsubishi UFJ (BTMU), and also serves as general counsel of Mitsubishi UFJ Financial Group Americas Holdings, BTMU Americas Holdings, and BTMU's Headquarters for the Americas. Prior to joining Union Bank, he was senior vice president, associate general counsel, and co-head of litigation at JPMorgan Chase & Co. in New York, NY.

Daniel B. Winslow '83 is senior vice president and general counsel at Rimini Street in Las Vegas, NV. He was previously of counsel in the Boston office of Duane Morris LLP and a Massachusetts state representative.

Eric G. Woodbury '83 is a Peace Corps volunteer working in Ethiopia. Prior to joining the Peace Corps, he was an investment management attorney, volunteered with Habitat for Humanity, and taught English as a second language at a refugee center in New Hampshire.

Douglas K. Sheff '84 received the Special Recognition Award for Innovation and Community Service from the Workers' Injury Law and Advocacy Group for his efforts in establishing the Workplace Safety Task Force in Massachusetts. Senior partner at Sheff Law Offices PC in Boston, he was elected president of the Massachusetts Bar Association in October.

Karen A. Pelczarski '85 announces the opening of her new law firm in Providence, RI, which concentrates on mediations and appeals. She was formerly a partner at Blish & Cavanagh LLP in Providence.

Kevin C. Cain '87 joined classmate **Brian A. O'Connell '87** as a partner in the Westwood, MA, office of Zizik, Powers, O'Connell, Spaulding & Lamontagne PC, where he focuses his practice on general civil litigation.

John J. "Jack" Curtin Jr. '57 passed away in November at the age of eighty. A longtime partner at Bingham McCutchen, Curtin also taught trial practice as an adjunct professor at BC Law for over four decades, influencing generations of aspiring lawyers.

He and his wife Mary founded the John J. and Mary Daly Curtin Center for Public Interest Law in 1999. He also established the Curtin Fellowship Program, and was instrumental in founding the ICTY program, where students were placed at the International Criminal Court at The Hague for many years. The Curtin Award, bestowed at the annual PILF auction, honors an attorney committed to pro bono work.

"My father was deeply grateful for all that BC Law School gave him," said his son, Kevin Curtin '88. "He truly cherished our institutional commitment to making the message of social justice real in the world. Jack also loved many individual members of this remarkable community, who strive in their lives for justice in service to others. He rejoiced in the light that radiates, in so many directions, from here to the wider world. You made him so proud."



Jack Curtin

Curtin received a bachelor's degree from BC in 1954 and an honorary Doctor of Laws degree from the University in 1991.

A former chair of Bingham McCutchen's Litigation Area, Curtin was a past president of both the American Bar Association and the Boston Bar Association, and founded the Massachusetts Legal Assistance Corporation in 1983.

Jay Zimmerman, chairman and CEO of Bingham McCutchen, recalled Curtin's rebuttal to then-Vice President Dan Quayle's remarks to the ABA that blamed lawyers for hurting American competitiveness. "Jack was quoted in the *New York Times* as saying, 'Anybody who believes a better day dawns when lawyers are eliminated bears the burden of explaining who will take their place, and who will protect the poor, the injured, the victims of negligence, the victims of racial discrimination and the victims of racial violence,'" Zimmerman said.

"Jack's contributions to our community were enormous," said Dean Vincent Rougeau. "He was a tireless advocate for the poor and disenfranchised, and his life is a shining example of what we hold most dear at BC Law School."

William J. McAuliffe '49
Gordon J. O'Brien '50
Frederick J. Sheehan '50
Thomas A. Tyber '51
Joseph L. McQuade '52
Dorothy Monesi Crane '53
Vincent P. MacQueeney '54

Hon. Edward F. Casey '56
Ralph J. Smith '56
John J. "Jack" Curtin '57
Theodore E. DiMauro '58
John C. Lombard '59
Edward F. Galvin '64
Hon. Robert E. Hayes '64

Hon. Robert Hannon Colopy '66
Paul Richard Audet '68
David W. Winters '69
Hon. Robert F. Kumor '70
Joseph Evans O'Leary '70
Fernando H. Silva '88
Hyung (Andrew) Won Choe '12

Peter G. Cary '87 was appointed to fill a vacancy in the United States Bankruptcy Court for the District of Maine, beginning in early 2014. He is a partner at MittelAsen LLC in Portland, ME, and concentrates his practice in the areas of alternative dispute resolution, bankruptcy, business law, and civil litigation.

Kevin M. Meuse '87 is a partner in the Trusts and Estates Department at Nutter McClennen

& Fish LLP in Boston. He was previously a partner in the Boston office of K&L Gates LLP.

Rita A. Sheffey '87 is the recipient of the Charles E. Watkins Jr. Award presented by the Atlanta (GA) Bar Association for her distinguished and sustained service. She is a litigation partner in the Atlanta office of Hunton & Williams LLP and also serves as secretary of the State Bar of Georgia.

Loretta Rhodes Richard '88, a partner in the Tax and Benefits Department of Ropes & Gray in Boston, was named a "Top Women of Law" honoree for 2013 by *Massachusetts Lawyers Weekly*.

Alan Gale '89 received the Perseverance Award during the Department of Justice's annual Civil Division awards ceremony in December, recognizing his trial and appellate victories in a decade-

long lawsuit against United Technologies Corporation for inflating the prices it charged the Air Force for fighter aircraft engines in the late 1980s and early 1990s. The \$664 million recovery is the largest judgment ever obtained under the False Claims Act.

1990S REUNION '94 & '99

Michelle R. Peirce '90, a partner in the litigation practice of Donoghue Barrett & Singal PC in Boston, was named a "Top Women of Law" honoree for 2013 by *Massachusetts Lawyers Weekly*.

Maryann Civitello '91, a partner in the Boston office of Mintz Levin, was named a "Top Women of Law" honoree for 2013 by *Massachusetts Lawyers Weekly*.

Manuel L. Crespo Jr. '91 was named president-elect of the Cuban American Bar Association. He is a partner at Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado & Preira LLP in Coral Gables, FL, and focuses his practice in the areas of real property transactions and civil litigation.

Susan M. Finegan '91 was one of two recipients of the 2013 Lelia J. Robinson Award presented by the Women's Bar Association of Massachusetts, and was also named the winner of the International Bar Association's 2013 Pro Bono Award. She is the pro bono partner and a member of the litigation section in the Boston office of Mintz Levin.

Roland Sanchez-Medina Jr. '91 was elected to the Board of Directors of FairDistrictsNow.org. He is a partner at Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado & Preira LLP in Coral Gables, FL, and focuses his practice in the areas of corporate and securities law.

Brigida Benítez '93 was named president-elect of the District of Columbia Bar for 2013–2014. She is a partner in the Washington, DC, office of Steptoe & Johnson LLP and focuses on global dispute

resolution, internal investigations, and compliance matters.

Lawrence M. Friedman '93, a professor at New England Law in Boston, is the editor of *Law and the Modern Condition: Literary and Historical Perspectives* published by Talbot Publishing in September.

Philip Privitera '95, as president of the Middlesex County Bar Association, presented **Lisa DiLuna '82** with the organization's Lifetime Achievement Award in November. He also helped to organize the event, along with **Pamela B. Lyons '95** and **Sarah Elisabeth Curi '95**, to honor their former Dean for Students at BC Law.

Ingrid C. Schroffner '95, assistant general counsel in the Massachusetts Executive Office of Health and Human Services, was named a "Top Women of Law" honoree for 2013 by *Massachusetts Lawyers Weekly*. She has also been reappointed to a three-year term on the Supreme Judicial Court Standing Advisory Committee on Professionalism.

Fernando M. Pinguelo '97 participated on the "Strategic Outlook for Major International Sporting Events" panel at the American Bar Association Section of International Law conference, "New Perspectives for Infrastructure Projects in Latin America," in São Paulo, Brazil. He is a partner at the Ocean, NJ, office of Scarinci Hollenbeck LLC and serves as chair of the firm's cyber security and data protection group and co-chair of its crisis and risk management group.

Hon. Michael A. Krasnow '99 married Alejandra Siles in La Paz, Bolivia, in May. Classmate **Jonathan B. Brooks '99** served as best man at the wedding.

Mark A. Reilly '99 is the executive director of the Northeast Region of Jumpstart for Young Children. Previously, he was chief legal counsel in the Executive Office of the Massachusetts Governor.

2000S REUNION '04 & '09

Sara L. (Compton) McCulloch '00 was appointed as the Bainbridge Island Municipal Court Judge in Washington state. She has worked for the last thirteen years at the King County Prosecuting Attorney's Office in Seattle, handling felony matters involving domestic violence and sexual assault.

Sina Bahadoran '01 a partner in the Miami, FL, office of Hinshaw & Culbertson LLP, was named co-chair of the firm's national insurance services practice group. He also serves as co-chair of the Director and Officer Insurance Subcommittee of the American Bar Association.

Juan Alexander Concepción '03 is an associate in the Boston office of Burns & Levinson LLP and a member of the firm's business litigation, government investigations and white collar crime, and labor, employment, and employee benefits practice groups.

Teresa Cella '03 was elected partner at the Boston office of Bingham McCutchen LLP, effective January 1. She is a member of the Real Estate Group and focuses on commercial real estate transactions, with emphasis on acquisitions, dispositions, leasing, and real estate secured financing.

Alistair D. Christopher '05 is a senior trust and fiduciary specialist at Wells Fargo Private Bank in Boston. He was formerly with Withers Bergman LLP in New Haven, CT.

Christine L. Hein '05 is a partner at Wrenn Bender McKown & Ring LLLP in Portland, OR, where she specializes in environmental law.

James K. Hein '05 is a partner at Tonkon Torp LLP in Portland, OR, where he has a general business practice emphasizing mergers and acquisitions.

Kanasha S. Herbert '07 was selected by the Women's Bar

Association of Massachusetts to participate in its annual Women's Leadership Initiative, and was named to the inaugural "Hot List" of the Eastern Region of the Lawyers of Color. She is an associate in the corporate and securities practice in the Boston office of Mintz Levin.

Laura E. Sjoberg '07, associate professor of political science at the University of Florida in Gainesville, FL, is the author of *Gendering Global Conflict: Toward a Feminist Theory of War* published by Columbia University Press in August.

2010S

Tarek O. Audi '10 is an associate in the Muscat, Sultanate of Oman, office of Curtis, Mallet-Prevost, Colt & Mosle LLP and a member of the firm's litigation and arbitra-

SAVE THE DATE



GOLF TOURNAMENT JUNE 2

The Law Student Association will host the BC Law Alumni Golf Tournament June 2 at 9 a.m. at Renaissance Golf Club in Haverhill. All members of the community are invited for a great day of golf to raise funds for student scholarships. For information and to register, go to www.BCLawGolf.orgsync.com. For sponsorship information, contact student co-chairs Brendan Armour or Mark Woodroffe at brendan.armour@bc.edu or mark.woodroffe@bc.edu.

PILF AUCTION MARCH 20

The BC Public Interest Law Foundation's annual auction will be held March 20 at 6 p.m. in the Newton Room, Corcoran Commons, on Boston College's Main Campus. Gary Buseck, legal director for Gay and Lesbian Advocates and Defenders (GLAD), will be the 2014 PILF auction honoree. For tickets, visit www.bcpilf.org. To donate items and for information, contact PILF president Matt Brooks at matthew.brooks@bc.edu. Proceeds fund student summer stipends.

tion group. He was previously an associate at an international law firm in Amman, Jordan.

Christopher J. Heller '10 is an associate in the national litigation practice area at Colucci & Gallaher PC in Buffalo, NY.

Francis J. Bingham '11 is an associate at Hirsch Roberts Weinstein LLP in Boston and practices in employment defense and civil litigation.

Natalie K. Prosin '11, executive director of the Nonhuman Rights Project, discussed legal rights for nonhuman animals at Northwestern University School of Law in Chicago, IL, in March. She was a presenter at the Animal Rights 2013 National Conference in Washington, DC, in June, and participated in the "Examining Strategies for Animal Liberation" plenary session and the "Advocating for Primates" workshop.

Amelia Sanchez-Moran '11 has joined Thompson & Knight LLP as an attorney in the employment and labor practice group of the firm's San Francisco office. She focuses on employment law,

specifically in the areas of wage and hour, employment discrimination, and sexual harassment.

Helen L. Sterling '11 is an associate in the Portland, ME, office of Bernstein, Shur, Sawyer & Nelson PA and a member of the firm's business law practice group. Previously, she was a corporate associate in the Boston office of Brown Rudnick LLP.

Andrew Mina '12 is an attorney-advisor at the Federal Energy Regulatory Commission in Washington, DC, and currently serves as a law clerk to the Hon. David H. Coffman and the Hon. Jennifer Whang in the Office of Administrative Law Judges and Dispute Resolution.

Jaya K. Velamakanni '12 is an associate in the infrastructure practice group at Nossaman LLP in Washington, DC.

Matthew T. Durand '13 is an associate in the Office of General Counsel at the Cumberland Gulf Group, where he manages the municipal, state, and federal government affairs practices for Cumberland Farms Inc. and Gulf Oil LP.

In Closing

(continued from page 64)

and informing the American public about the government's policies and programs. The nation's deeply flawed classification system makes it hard to know what truly needs to be kept secret, and leaks help combat the Executive's tendency to err on the side of secrecy. Leak prosecutions are having the desired effect of chilling the willingness of government insiders to share information with journalists. This chilling effect has taken hold of some journalists as well, who are afraid to publish stories that are likely to lead to a subpoena—and potential jail time and crippling fines if they refuse to testify about their sources.

The First Amendment—as well as common sense—indicates that there are, in fact, important distinctions between those who leak information for purposes of contributing to the public debate, and those who engage in espionage or even treason by giving national security information to foreign countries or organizations. The First Amendment limits the government's power to bring criminal prosecutions against leakers who are not traitors or spies. Although treason and espionage are not "speech" under the First Amendment, and therefore are entitled to no constitutional protection, these categories must be carefully defined so that they apply only in cases where the defendants intended to communicate with a foreign power (or "enemy," in the case of treason).

In addition to defendants' own explanations for their disclosures, courts should consider what was disclosed and to whom it was disclosed. By looking at "what" is disclosed, the fact-finder can make some conclusions regarding the intent

of the leaker. Disclosures of potentially illegal government activities, like those involved in the Snowden leaks, will generally support arguments that the leaks were made to inform the American public and not aid the enemy. Indiscriminate information dumps, like Manning's, raise a red flag regarding the leaker's intent, although by itself it will not be determinative.

A leaker's choice of forum should be considered as one of the most helpful factors in determining whether the leaker was acting with good motivations. One problem in the digital age is that it is often difficult to determine which publications should be regarded as members of the press operating with the intention to communicate with the general public. This may require courts to inquire whether the entity engages in "journalism" and to conduct a careful inquiry into the audience the leaker intended to reach. The Bradley Manning trial demonstrates that such an inquiry is not impossible. There, Manning successfully argued that disclosing information to WikiLeaks is not much different from disclosing the information to a more traditional news outlet. At the time, WikiLeaks served an important watchdog function throughout the world and had won awards for its reporting.

Three important questions—what is disclosed, to whom it is disclosed, and why it is disclosed—are essential for making distinctions between traitors and spies. Lumping leakers all together is inconsistent with this nation's democratic commitment to informed public debate.

Adapted from "Traitors, Spies, or Whistleblowers: National Security Leakers and the First Amendment," forthcoming March 2014, Boston University Law Review.

ALUMNI ASSOCIATION NOTICE

ANNUAL ASSEMBLY & BOARD MEETING REUNION WEEKEND, OCTOBER 25, 2014

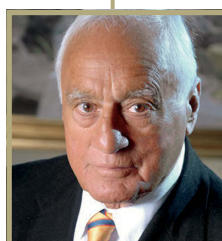
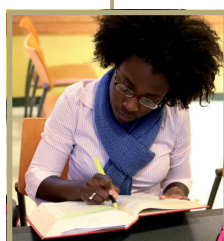
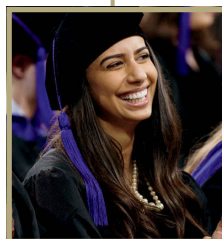
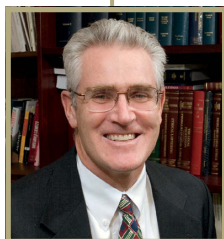
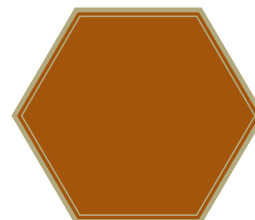
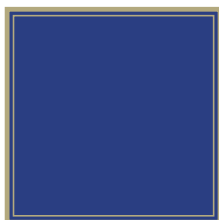
At the Assembly Meeting, elections will be held for the 2015 Alumni Board, among other agenda items. The Alumni Board will also meet that weekend.

For more information on the assembly, the election, or how to join the board, contact the Office of Advancement at bclaw.alumni@bc.edu or visit the Assembly Notices page on the association website at www.bc.edu/lawalumni.

Alumni volunteers are an integral part of who we are now, and who we hope to be. If you have volunteered for the Law School since June 2013, you are a member of the Alumni Assembly and may vote for members of the Alumni Board.

We are now posting all required assembly notices on the alumni website. We will only be emailing selected notices and no longer mailing hard copies to alumni for whom we do not have email addresses. If you are a member of the assembly (i.e., you have volunteered since June 2013), please check the above website periodically. To confirm that you are an assembly member and make sure we have a valid email address for you, please contact us at bclaw.alumni@bc.edu.

2012–2013 Report on Giving





An Exciting Time for BC Law



WITH MANY CHANGES UNDERFOOT on the legal education landscape, you might hear about tough challenges that face today's law schools. Meanwhile, at BC Law, our dean, faculty, staff, and students view these changes as opportunities. The Law School is reexamining what we do best and investing in our strengths. We are articulating more clearly what makes BC Law distinctive. We are attracting impressive

students with each entering class—maintaining our academic standards when other schools are struggling to do so. We are adapting to the hiring market to produce more experienced, practice-ready graduates. We are building better, stronger bridges with those beyond the traditional big law career destinations: notably with government agencies, nonprofits, courts, financial services companies, the corporate world, and the banking industry, not to mention with law firms in places beyond New England, including beyond the US border.

While the entering class has been right-sized, the curriculum is, in fact, expanding. Students have so many more opportunities to engage in hands-on, high-impact experiences. They graduate having represented clients and argued in courts; having traveled abroad to participate in moot courts, work on human rights projects, or serve in international corporations or global law firms.

How is this all possible? It is, in large part, thanks to your financial support. As you read in the pages of this magazine, the Law School is participating in the Boston College campaign: "Light the World." We strive to exceed our \$50 million goal by 2015. Our alumni have understood the deep value of the BC Law community. It is one that serves us all well. Now is the time for us all to stretch as much as possible and give back to the Law School that has helped us in our career. On behalf of the dean and the entire Law School community, we are proud to salute our loyal donors in the pages that follow.

Jim Champy

Chair, Dean's Advisory Board

THE REPORT ON GIVING recognizes all donors who made a gift to Boston College Law School during the fiscal year spanning June 1, 2012, to May 31, 2013. Any gift recorded before June 1, 2012, was part of last year's totals and report; any gift recorded after May 31, 2013, will be recognized in next year's report.

Considerable care has gone into the preparation of the Report on Giving. Each donor is very important to us and every effort has been made to ensure that no name has been missed or appears incorrectly. If we have omitted, misspelled, or incorrectly recorded a name, we sincerely apologize. Please bring any errors to our attention. You may contact Mike Hollis, associate director of annual giving, at 617-552-6216 or mike.hollis@bc.edu.

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THE DEAN'S COUNCIL recognizes the generosity of the many alumni and friends of Boston College Law School who make leadership gifts of \$1,500 or more (\$1,000 for alumni who graduated within the last five years) for any purpose in each fiscal year.

ST. THOMAS MORE SOCIETY (\$100,000 OR ABOVE)

This premier level of the Dean's Council honors Saint Thomas More, who epitomizes the amalgamation of intellect and virtue that we strive for at Boston College Law School. Saint Thomas More was a renowned English Renaissance lawyer and scholar, declared by Pope John Paul II "the heavenly Patron of Statesmen and Politicians."

HUBER SOCIETY (\$50,000)

This society reflects the regard and gratitude felt by so many alumni and faculty toward Dean Richard G. Huber. As dean, he spearheaded additions to the faculty, the acquisition of the current Newton campus, the first joint degree, and several new law reviews. For many, Dean Huber is remembered not only for the great things he did for the Law School, but also for his wonderful and caring nature.

BARAT SOCIETY (\$20,000)

More than 200 years ago, Saint Madeleine Sophie Barat founded the Society of the Sacred Heart. Dedicated to educating girls, in 1946 the Society established the Newton College of the Sacred Heart. Our alumni, students, and faculty celebrate the type of vision, courage, and resolve exhibited by people such as Saint Madeleine Sophie Barat.

SLIZEWSKI SOCIETY (\$10,000)

One of the Law School's most beloved professors, Emil Slizewski '43 was a legend on campus for his Trusts and Estates course. Unstinting in his research and generous in spirit, he provided some of the most rigorous and rewarding educational experiences at the Law School during his half-century of service. This giving society honors Professor Slizewski's memory and expresses our gratitude for his loyalty, perseverance, and knowledge.

SULLIVAN SOCIETY (\$5,000)

Richard S. Sullivan '39 was a trailblazer who helped to transform a fledgling program in labor and trade law into a major focus at the Law School. Professor Sullivan's example encourages the Law School to not only continue its tradition of excellence, but also to forge new traditions in emerging areas of the law.

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HOUGHTELING SOCIETY (\$2,500)

At Boston College Law School for almost a quarter of a century, Professor James L. Houghteling's intellectual curiosity and enthusiasm touched generations of students. His passion for learning permeated his classroom teaching and inspired countless lawyers to continue in their exploration of the law well beyond their law school days.

DOOLEY SOCIETY (\$1,500, \$1,000 FOR RECENT GRADUATES OF FIVE YEARS OR FEWER)

As the Law School's first dean, Dennis A. Dooley brought vigor and innovation to his vision. His dynamic administrative leadership and engagement with the broader community laid the foundation for the Law School's future prosperity.

Ambassador Program

The BC Law Ambassadors Program promotes giving to Boston College Law School among alumni working at law firms with a large BC Law alumni presence. Since its launch in 2005, the Ambassadors Program has grown to include twelve participating firms. For more information about the Ambassadors Program or to learn how your firm can join, please contact Mike Hollis at mike.hollis@bc.edu or at 617-552-6216.

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THE LAW SCHOOL'S Class Giving Report recognizes the generosity of the many alumni, students, and friends who contribute to the school.

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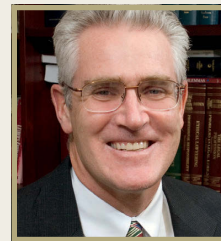
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Faculty Achievements

Approximately 25 percent of Law School Fund donations support the research of BC Law faculty, who enjoy international recognition for their scholarship. Their accomplishments are acknowledged through awards, publications, and select appointments. Here are recent examples:



Mary Bilder added to her extensive contribution to legal history scholarship by publishing "How Bad Were the Official Records of the Federal Convention?" in *George Washington Law Review*.



Michael Cassidy's term on the Massachusetts Supreme Judicial Court's Standing Advisory Committee on the Rules of Professional Conduct resulted in a report to the SJC that considered "changes that the ABA made to the Model Rules and where to continue our state's history of fierce but principled independence."



Mary Ann Chirba and **Alice Noble** completed the timely *Health Care Reform: Law and Practice*, a comprehensive guide to the Affordable Care Act and its implementing regulations. The two-volume work was published in December by Matthew Bender.

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Frank Garcia accepted the mantle as Associate Dean for Global Initiatives at BC Law on the heels of another accomplishment in international law, the publication of *Global Justice and International Economic Law: Three Takes* (Cambridge University Press, 2013). It was the subject of a conference at Oxford University last November.



Dan Kanstroom, director of BC Law's International Human Rights Program, published *Aftermath: Deportation Law and the New American Diaspora* (Oxford University Press, 2012), a product of his groundbreaking work in deportation law.



Diane Ring continued her global research into taxation in a book chapter entitled "International Dynamics of International Tax Relations" in *Beyond Economic Efficiency*, published by Wolters Kluwer in 2013.



Shaw Society

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LEGACY GIFTS are part of a deeply rooted tradition at Boston College Law School—and those who make them play a key role in securing BC Law's future.

Your bequest, beneficiary designation, or other legacy commitment will enable the next generation to attend BC Law and benefit from the same superior legal education that you enjoyed as a student.

Your gift—of any amount—will have a real and lasting impact on the Law School.

We proudly honor those alumni who have made a legacy commitment to BC Law and have joined our Shaw Society, named for Joseph Coolidge Shaw, SJ, who helped found Boston College with the University's first legacy gift.

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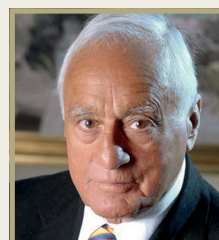
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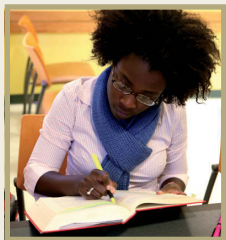
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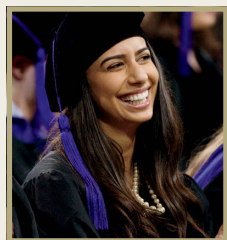
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Traitors, Spies, or Whistleblowers?

All leakers are not created equal, and why that matters

By Professor Mary-Rose Papandrea

Until recently, the Department of Justice rarely prosecuted government insiders who disclosed national security information to the press. Times have certainly changed. The Obama Administration has undertaken more leak prosecutions than all the prior presidents combined, the wisdom of some of these leak

prosecutions has been questionable at best, and one leaker—Bradley Manning—was charged with aiding the enemy, the military code equivalent of treason.

The public debate surrounding the Bradley Manning and Edward Snowden leaks has involved a “name game”—are they traitors, leakers, or whistleblowers? Each of these labels carries connotations of righteousness and wrongdoing in the public’s mind. To the Executive branch, these labels are irrelevant. It regards all unauthorized information disclosures as posing the same threat to its ability to control the dissemination of national security information because all leaks expose our secrets, regardless of why they are made, to whom they are made, or what information they reveal.

The rise of leak prosecutions coincides with dramatic changes in communications technology and the mass media. For at least the last century, it has generally been the nation’s leading newspapers and broadcasters that have published sensitive national security information, and for the most part, these entities have been both cooperative and responsible in their publication decisions.

In the digital age, the ability to engage in the mass dissemination of information is no longer reserved to an elite few, and this makes the government nervous. Those who want to reveal information to the public have a wide variety of foreign and domestic intermediaries through which to reach their desired audience; indeed, they can forego intermediation entirely and distribute their information directly to the public. From the government’s perspective, foreign intermediaries like WikiLeaks are particularly dangerous because they operate outside the conventional Beltway atmosphere where the media and the government have a mutually beneficial relationship.


The US media makes publication decisions in the shadow of federal law. Foreign publishers operate largely outside of US jurisdiction and cannot be realistically threatened with prior restraint or subsequent criminal prosecution. Any attempt to enforce a prior restraint against an entity like WikiLeaks would be



an exercise in futility. And as the pursuit of Julian Assange demonstrates, extraditing foreigners to the US to face prosecution for publishing leaks is extraordinarily difficult.

Furthermore, the Bradley Manning mass document dump illustrates how easy it is for the nation’s secrets to be revealed indiscriminately, and potentially anonymously. While Daniel Ellsberg had to painstakingly copy each page of the Pentagon Papers, Bradley Manning just had to download files onto a flash drive. The internet makes it possible to disseminate information in searchable format throughout the world in a matter of moments. The hope is that severely punishing the leakers who can be identified will deter potential future leakers.

Notwithstanding these challenges, it remains essential for our democracy to avoid lumping all leakers together. Leaks play an essential yet imperfect role in checking Executive power (continued on page 48)



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